

MAINE STATE LEGISLATURE

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Bill "An Act Concerning the Natural Resources Protection Laws and Related Provisions" (EMERGENCY)

H.P. 1039 L.D. 1477

Tabled - June 5, 2007, by Senator **WESTON** of Waldo

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-388)**, in concurrence

(In House, June 4, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-388)**.)

(In Senate, June 5, 2007, Committee Amendment "A" (H-388) **READ**.)

On motion by Senator **RAYE** of Washington, Senate Amendment "A" (S-224) to Committee Amendment "A" (H-388) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Raye.

Senator **RAYE:** Madame President, I rise to speak to this amendment which corrects a serious error in the underlying committee amendment. As senators may know, existing law has resulted in widespread concern, even outrage, by landowners affected by a newly imposed 250 foot buffer zone adjacent to shorebird, waterfowl and wading bird habitat. The underlying bill, as amended by the committee, while it falls short of my goals, goes a long way toward addressing the most serious concerns with the current law. Specifically, by taking the vast majority of all affected properties except roosting areas from 250 foot down to 100 foot buffer zones. However, the committee amendment contains a drafting error, so my amendment corrects it to reflect the unanimous intention of the Natural Resources Committee, and it has the support of the chairs and leads of the committee from both bodies. It would clarify that shorebird feeding areas will be subject to the less stringent cutting standards currently used within 75 feet of a coastal wetland under shoreland zoning. This will provide critical relief to affected property owners. I know many of you in this chamber who have heard from your constituents that have been affected by the law passed last year. I urge you to join with me in accepting this amendment and the underlying bill. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Thank you Madame President and members of the Senate. This is to confirm that the Senator from Washington, Senator Raye is correct. The committee came to terms that there was a mistake made in the drafting and this amendment has the approval of the DEP.

Senate Amendment "A" (S-224) to Committee Amendment "A" (H-388) **ADOPTED**.

Committee Amendment "A" (H-388) as Amended by Senate Amendment "A" (S-224) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate at Ease.

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Later (6/5/07) Assigned matter:

HOUSE REPORTS - from the Committee on UTILITIES AND ENERGY on Bill "An Act To Improve Home and Commercial Building Energy Efficiency"

H.P. 1164 L.D. 1655

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-331)** (8 members)

Minority - **Ought Not to Pass** (5 members)

Tabled - June 5, 2007, by Senator **WESTON** of Waldo

Pending - motion by Senator **BARTLETT** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In House, June 1, 2007, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-331)**.)

(In Senate, June 5, 2007, Reports **READ**.)

On motion by Senator **BARTLETT** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-331) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (6/5/07) Assigned matter:

Bill "An Act Concerning Certain Flavored Cigarettes and Cigars" S.P. 475 L.D. 1361

Tabled - June 5, 2007, by Senator **MARTIN** of Aroostook

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (S-180)**

(In Senate, June 5, 2007, Committee Amendment "A" (S-180) **READ**.)

On motion by Senator **MILLS** of Somerset, Senate Amendment "A" (S-230) to Committee Amendment "A" (S-180) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Madame President, men and women of the Senate. This is a bill that was unanimous coming out of the Health and Human Services committee to prohibit those cigarette and cigar products that are candy flavored or flavored in such a way as to be targeted to the youth market and others who might be interested in the initiation of smoking. It presents a lot of problems with its definition because it's not uncustomary for various cigar products and some cigarette products to be artificially flavored. But we've handled it well, I think, with a committee amendment that grandfathered all of these products that were on the market before January 1, 1985, which was the year in which a number of elements in the tobacco industry began to attract the youth market into smoking, so the date has certain significance. For all products that came on the market for the first time after 1985, only those products that are specifically flavored or flavored in the way that is described in the bill, the Attorney General is tasked to draft up rules and to draft up exemptions for those products that are clearly not targeted to youth or the uninitiated smoker. The language in this senate amendment is, for the most part, just a clarification of the language that came out of committee, and does not change it substantively. There is one substantive change in the senate amendment. Several people in each caucus would prefer that these rules of the Attorney General be brought back to the Legislature as major substantive rules so that we can keep an eye on them. That's the substance of what this senate amendment does. It was a unanimous report coming out of the committee, and we worked hard on this bill, and I for one appreciate their hard work. Thank you.

Senate Amendment "A" (S-230) to Committee Amendment "A" (S-180) **ADOPTED**.

Committee Amendment "A" (S-180) as Amended by Senate Amendment "A" (S-230) thereto, **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate at Ease.

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Exempt Certain Meals Provided to Food Service Employees from the Sales and Use Tax"
H.P. 1271 L.D. 1823

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-413) (11 members)

Minority - **Ought Not To Pass** (2 members)

Tabled - June 6, 2007, by Senator **SCHNEIDER** of Penobscot

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In House, June 6, 2007, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-413)**.)

(In Senate, June 6, 2007, Reports **READ**.)

On motion by Senator **SCHNEIDER** of Penobscot, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-413) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

Bill "An Act To Calculate the Livable Wage and Measure the Bureaucratic Costs To Subsidize Workers Paid Less Than a Livable Wage"

H.P. 1014 L.D. 1445

Tabled - June 6, 2007, by Senator **MARTIN** of Aroostook

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-394)**, in concurrence

(In House, June 4, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-394)**.)

(In Senate, June 5, 2007, Committee Amendment "A" (H-394) **READ**.)

On motion by Senator **DOW** of Lincoln, Senate Amendment "A" (S-215) to Committee Amendment "A" (H-394) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Dow.

Senator **DOW:** Thank you Madame President. This amendment simply removes the fiscal note from the bill.

Senate Amendment "A" (S-215) to Committee Amendment "A" (H-394) **ADOPTED**.