

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Twenty-Third Legislature
State of Maine

Volume II

First Regular Session

June 6, 2007 – June 21, 2007

Second Regular Session

January 2, 2008 - March 31, 2008

Pages 682-1357

SENATE PAPERS

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Increase the Length of Legislative Terms to 4 Years (H.P. 1078) (L.D. 1553)

Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** in the House on June 11, 2007.

Came from the Senate with the Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** and the RESOLUTION **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-509)** in **NON-CONCURRENCE**.

On motion of Representative BARSTOW of Gorham, the House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Amend the Term Limitation Laws for State Legislators"

(H.P. 1075) (L.D. 1550)

Minority (4) **OUGHT NOT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** in the House on June 11, 2007.

Came from the Senate with the Majority (9) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-506)** in **NON-CONCURRENCE**.

On motion of Representative BARSTOW of Gorham, the House voted to **INSIST**.

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act Concerning Certain Flavored Cigarettes and Cigars"

(S.P. 475) (L.D. 1361)

(S. "A" S-230 to C. "A" S-180)

TABLED - June 11, 2007 (Till Later Today) by Representative PINGREE of North Haven.

PENDING - **PASSAGE TO BE ENGROSSED**.

On motion of Representative FITTS of Pittsfield, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-180) Senate Amendment "A" (S-230)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-544) to Committee Amendment "A" (S-180)** which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Pittsfield, Representative Fitts.

Representative **FITTS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am offering what I consider, and what I hope the members of this body will consider, as a friendly amendment. What it essentially does is changes the wording that says that the Attorney General may do rulemaking, to state that the Attorney General would do rulemaking on this issue no later than January 15, 2008, and that is a "shall" rather than a "may".

It also would ask that the Attorney General report to the Joint Standing Committee on Health and Human Services on the preliminary implementation of this Act no later than February 1, 2008, and then after receipt and review of the report, that the joint standing committee may report out legislation to the Second Regular Session of the 123rd Legislature.

I bring this forward because I think that this bill, with all of its good intentions, had loose language that with it being tightened up actually may help. There are questions as to constitutionality, and in the process of the review by the Attorney General, these issues will hopefully be resolved so that those questions will no longer be hanging out there. Our constituents who own convenient stores, will know what products will potentially be banned, and in this process, be able to transition from those products and at least have some know going forward; so, I offer this amendment and appreciate your support. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Calais, Representative Perry.

Representative **PERRY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a friendly amendment, and we do feel that this does strengthen the Attorney General's response to us, and the Committee's ability to respond as well.

I do want to mention, not having a chance to talk about this yesterday, is that this bill came forward as we look at, as a state, reducing the effects of smoking and the health effects of smoking. Candy flavored and fruit flavored cigarettes and cigars are really a new product that is brought forward, specifically aimed at people who initiate smoking, and it is aimed at the younger smokers who start. Statistics also show that people, who get into the habit of smoking, usually start before the age of legality. As a result of this, and in looking at these new products that are candy flavored, we feel that we are protecting the public health and the long-term health of our communities, by banning these. I appreciate the amendment that was brought forward by Representative Fitts, and I would ask that all vote for this. Thank you.

House Amendment "A" (H-544) to Committee Amendment "A" (S-180) was **ADOPTED**.

Committee Amendment "A" (S-180) as Amended by House Amendment "A" (H-544) and Senate Amendment "A" (S-230) thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (S-180) as Amended by House Amendment "A" (H-544) and Senate Amendment "A" (S-230)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

An Act To Protect Community Safety by Amending Maine's Bail Code

(S.P. 169) (L.D. 514)

(C. "A" S-198)

TABLED - June 11, 2007 (Till Later Today) by Representative PINGREE of North Haven.

PENDING - **PASSAGE TO BE ENACTED**.

The **SPEAKER**: The Chair recognizes the Representative from Farmington, Representative Mills.

Representative **MILLS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I simply want to make a few remarks for the record; to the effect that when you first read the committee amendment, you may be encouraged to conclude that the bill makes much more drastic change than it actually does.