

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

Senate Legislative Record  
One Hundred and Twenty-Fourth Legislature

State of Maine

Daily Edition

First Regular Session  
December 3, 2008 to June 12, 2009

Pages 1 - 1159

it. I did think that it could be done to some extent to save some money for the State and property taxpayers. I voted for it, knowing that it was a leap of faith, but I did support its intent. That Summer after we were able to get out and these RSUs started meeting, in the town I live in the town manager asked me to serve in that capacity. I made a lot of the meetings to begin with. It became clear to me that, at least in my area, it just wasn't going to work. The primers that were in the law were just too cumbersome to make a place like, at least my area and many others in the state, work. I thought maybe if there was an ability to lower the amount of students and have people consolidate it might work. What you were doing was taking the entire top rim of Aroostook County and saying that within 150 miles you have to consolidate. You took everybody into that mix and if just one said no then you were done. Where else are you going to go? To New Brunswick, which we have all kinds of issues with that. So it became clear to me that I made a mistake by supporting it. I still like the intent. It's become clear to me that one size fits all does not work, especially in a state like Maine, and that's what we have. I don't think my good seatmate is trying to rob me, or anything like that. I've been tormented about that. I think the state is big, diverse, and everything doesn't work in one nice little package. I think at times, sometimes leadership means that you made a mistake and you admit to it. I think that's what the Legislature did and that's why I'll be supporting the Ought to Pass Report.

On motion by Senator **MARRACHÉ** of Kennebec, **TABLED** until Later in Today's Session, pending the motion by Senator **ALFOND** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence. (Roll Call Ordered)

---

**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Prohibit the Delivery of Tobacco Products to Consumers To Prevent the Sale of Tobacco Products to Minors"

H.P. 850 L.D. 1230

Reported that the same **Ought to Pass**.

Signed:

Senators:

- BRANNIGAN of Cumberland
- MARRACHÉ of Kennebec
- MILLS of Somerset

Representatives:

- PERRY of Calais
- JONES of Mount Vernon
- SANBORN of Gorham
- CAMPBELL of Newfield
- STRANG BURGESS of Cumberland
- EVES of North Berwick

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-438)**.

Signed:

Representatives:

- PETERSON of Rumford
- JOY of Crystal
- LEWIN of Eliot
- STUCKEY of Portland

(Representative **SOCTOMAH** of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass** Report.)

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-438)**.

Reports **READ**.

Senator **BRANNIGAN** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

On motion by Senator **COURTNEY** of York, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Penobscot, Senator Plowman.

Senator **PLOWMAN:** Thank you, Mr. President. Men and women of the Senate, there are two Ought to Passes on this bill coming out of Health and Human Services. Both of them seek to make it illegal to import through the mail, or any other delivery system, tobacco cigarettes. If we pass this we will become the eleventh state to do so. If we pass it in the form that's suggested we will be the third state to not include large cigars. There was an exemption in the Minority Report that says if you engage in the adult habit of smoking a cigar, we recognize that you are an adult and you should have access to the things that you enjoy. Young kids don't like cigars. They might think they do, but after they try it, they're going to be in the bushes heaving. They tend not to go back. You have to learn how to smoke a cigar. I've been taught. I enjoy a cigar, believe it or not. I'm an adult and I should be able to order them, have them delivered to me, get the one I want, know that it's fresh, and I should be able to do it if I live in Wallagrass or if I live in Kittery. I hear there's a swanky place in Wallagrass, that's why I bring it up. It's simple. Let's get in to what we really need, keeping tobacco products out of the hands of children. We can do it while allowing our adults to participate in a fully legal activity. It's time Maine joined the grownups. I don't think that by carving out this exemption that we're going to be stepping back in time. I think that the intent of the bill is still preserved while actually recognizing that adults can do legal things. Thank you.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Penobscot, Senator Perry.

Senator **PERRY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I was just sitting here thinking some of you might wonder what my thoughts were on this bill, so I thought

I'd stand up and share them with you. Most tobacco products are readily available anywhere you go in the State of Maine. Large cigars are a different issue. There's no reason why we shouldn't allow them for the import in the State of Maine. I'll be voting in opposition to this motion and let's let people get a hold of the cigars that they're looking for, they just aren't available here. Thank you.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Cumberland, Senator Brannigan.

Senator **BRANNIGAN:** Thank you, Mr. President. I certainly am glad to hear the thoughts of people from Bangor. I just want to make it clear that this does not prohibit any importation, it just regularizes it in a way we can be sure that this is going to adults and that taxes are being paid. So people can order cigarettes, cigars, have them imported, free the cigars, whatever you want to do, but it will come and it will just make it more protective. So I urge you to support the Majority Ought to Pass Report.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Aroostook, Senator Sherman.

Senator **SHERMAN:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I too enjoy a good cigar. I would ask a question, if I may, through the Chair.

**THE PRESIDENT PRO TEM:** The Senator may pose his question.

Senator **SHERMAN:** Thank you, Mr. President. There's two types of cigars, one is air dried, the old fashion kind, some are propane dried. There are studies now that show if you have propane dried, when you dry them it produces carcinogens. So when I have mine, I try to have air dried so I wonder if we could do a prohibition on the ones that are dried with propane because the temperature is very high and does have some carcinogens in it. It might be a friendly amendment.

**THE PRESIDENT PRO TEM:** The Senator from Aroostook, Senator Sherman poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Penobscot, Senator Plowman.

Senator **PLOWMAN:** Thank you, Mr. President. A short time ago I had a conversation with my daughter, who just returned from out-of-state where she attends college, and she remarked on how many people there smoke and how different it was to come back to Maine. She commented on how many people she knows in Maine that smoke pot and that's not prevalent in Alabama. I said, 'What do you think the difference is?' She said, 'You don't have to be 18 to buy pot.' I just thought I'd share.

On motion by Senator **MARRACHÉ** of Kennebec, **TABLED** until Later in Today's Session, pending the motion by Senator **BRANNIGAN** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS** Report, in **NON-CONCURRENCE**. (Roll Call Ordered)

---

**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Authorize the Administration of Epinephrine Autoinjectors and Asthma Inhalers in Emergencies"

H.P. 279 L.D. 372

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

BLISS of Cumberland  
HASTINGS of Oxford

Representatives:

PRIEST of Brunswick  
BRYANT of Windham  
DILL of Cape Elizabeth  
CLEARY of Houlton  
HILL of York  
STEVENS of Bangor  
KRUGER of Thomaston  
NASS of Acton  
BEAULIEU of Auburn  
CROCKETT of Bethel

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Senator:

HOBBS of York

(Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought Not To Pass** Report.)

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

On motion by Senator **BLISS** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

---

**Senate**

**Divided Report**

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act To Create a Saltwater Recreational Fishing Registry"  
S.P. 516 L.D. 1432

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-294)**.

Signed:

Senator:

RECTOR of Knox