

MAINE STATE LEGISLATURE

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from down in York County. He said everybody knows where this person lives. I know where he lives too. You know where he lived? I'll tell you exactly where he lived. When you go down to Massabesic High School one end of the road is very rural and the other area has a few more houses. Even though it's rural, each of the houses is a few hundred feet apart. What happens is that in the little village, about half a mile away or so, the kids have to walk on the sidewalk almost directly across from where this fellow was placed. That's another debate that we won't have right now as to whether he was placed or whether he just ended up there. Some of the experts within the Department of Corrections and the community had a big battle whether or not he was placed there or whether he just found lodging there. That went on for a little while. This is why it's so important to respect local control. These people actually live there. In order for their kids to go down and get a soda after school, or before they had football practice or field hockey practice or something like that, they had to walk right by his house. It just seems so simple to me. You don't treat a rural area like Waterboro the exact same way that treat an urban area like Sanford or Portland. I really ask you to think about this and think long and hard before you make it easier for people to supersede this ordinance. I'm so passionate about it and I wish you would really consider it. Consider the long term implications. Thank you, Madame President.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Nutting.

Senator **NUTTING:** Thank you, Madame President. Ladies and gentlemen of the Senate, if you take ten or a dozen communities in a certain area, and every one of them may have their own ordinances from 1,000 feet to 2,000 feet and one community doesn't, the Department of Corrections, whose job it is to place these folks after they serve their time and to monitor them, very passionately pointed out to the committee that if you have a hodge-podge of regulations what it will do is concentrate these folks in the communities that don't. That is what they don't want. That's not a fair situation. I just wanted to point that out in further debate and urge you again to support the pending motion. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Gerzofsky to Indefinitely Postpone Senate Amendment "A" (S-303) to Committee Amendment "A" (H-474). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#184)

YEAS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, BRYANT, CRAVEN, DAMON, DIAMOND, GERZOFSKY, GOODALL, HOBBS, MARRACHE, MILLS, NUTTING, PERRY, SCHNEIDER, SIMPSON, SULLIVAN, WESTON, THE PRESIDENT - ELIZABETH H. MITCHELL

NAYS: Senators: COURTNEY, DAVIS, GOOLEY, HASTINGS, MCCORMICK, NASS, PLOWMAN, RAYE, RECTOR, ROSEN, SHERMAN, SMITH, TRAHAN

ABSENT: Senator: JACKSON

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **GERZOFSKY** of Cumberland to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-303) to Committee Amendment "A" (H-474), **PREVAILED**.

Committee Amendment "A" (H-474) **ADOPTED**, in concurrence.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-474), in concurrence.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#185)

YEAS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, BRYANT, CRAVEN, DAMON, DIAMOND, GERZOFSKY, GOODALL, HOBBS, MARRACHE, NUTTING, PERRY, RECTOR, SCHNEIDER, SIMPSON, SULLIVAN, TRAHAN, WESTON, THE PRESIDENT - ELIZABETH H. MITCHELL

NAYS: Senators: COURTNEY, DAVIS, GOOLEY, HASTINGS, MCCORMICK, MILLS, NASS, PLOWMAN, RAYE, ROSEN, SHERMAN, SMITH

ABSENT: Senator: JACKSON

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being absent, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

The Chair laid before the Senate the following Tabled and Later (6/4/09) Assigned matter:

HOUSE REPORTS - from 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

Majority - **Ought to Pass** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-438)** (4 members)

Tabled - June 4, 2009, by Senator **MARRACHÉ** of Kennebec

Pending - motion by Senator **BRANNIGAN** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS** Report, in **NON-CONCURRENCE** (Roll Call Ordered)

(In House, June 3, 2009, 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)**.)

(In Senate, June 4, 2009, Reports **READ**.)

Senator **BRANNIGAN** of Cumberland requested and received leave of the Senate to withdraw his motion to **ACCEPT** the Majority **OUGHT TO PASS** Report, in **NON-CONCURRENCE**.

On further motion by same Senator, the Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

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

Senator **MILLS:** Thank you, Madame President. I just wanted to remind people that this is the bill that directs that tobacco sales must be delivered through a retailer or dealer in Maine with one exception, that is for cigars, big cigars, not the little ones. Big cigars, in case you were wondering, are defined as those that weigh three pounds per thousand. I have no idea how big that is. Somebody had to write the statute. I think it's the hefty ones and not the little miniature cigars. In any case, that's the bill that lies before you. We hadn't taken it up for several weeks so I thought it would be good to remind people.

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

Senator **PLOWMAN:** Thank you, Madame President. The definition is not a State statute but it is an adoption of federal statutes. It is not the small cigars, it is the larger cigars. We are adopting a federal definition.

Committee Amendment "A" (H-438) **READ**.

On motion by Senator **BRANNIGAN** of Cumberland, Senate Amendment "B" (S-308) to Committee Amendment "A" (H-438) **READ**.

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

Senator **BRANNIGAN:** Thank you, Madame President. We discussed this the other day and it didn't take smoke signals to tell me I was going to lose. Therefore, we tabled this matter. I looked at it, dealing with the amendments that are before us, and feel that this is a necessary change. What the amendment does

is define premium cigars, we had large cigars before but that got mixed up with telephone poles. We changed it to premium cigars and we worked with the Attorney General's Office to define those. To answer the question, I'm not sure how much the Attorney General's Office used the national standard, but the standard is three pounds per hundred wrapped in whole tobacco leaf. I'm sure that means a great deal to you, who are connoisseurs. What this amendment also does is re-license the senders. What we had done was not require a license for those who were sending because they would send them to a shop that was licensed, so we had things covered. When someone else decided that we should not do it this way with large cigars, premium cigars, then we had to go back and require the sender to be licensed. This amendment does all of that. I hope you will support it. I am pleased that I was encouraged to mend my ways. Thank you.

On motion by same Senator, Senate Amendment "B" (S-308) to Committee Amendment "A" (H-438) **ADOPTED**.

Committee Amendment "A" (H-438) as Amended by Senate Amendment "B" (S-308) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-438) AS AMENDED BY SENATE AMENDMENT "B" (S-308)**, thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later (6/4/09) Assigned matter:

Bill "An Act To Improve Landfill Capacity"
H.P. 519 L.D. 760

Tabled - June 4, 2009, by Senator **GOODALL** of Sagadahoc

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-451)**, in **NON-CONCURRENCE**

(In House, June 3, 2009, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-451) AS AMENDED BY HOUSE AMENDMENT "B" (H-520)** thereto.)

(In Senate, June 4, 2009, Report **READ** and **ACCEPTED**. **READ ONCE**. Committee Amendment "A" (H-451), **READ**.)

House Amendment "B" (H-520) to Committee Amendment "A" (H-451) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-451) as Amended by House Amendment "B" (H-520) thereto, **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.
