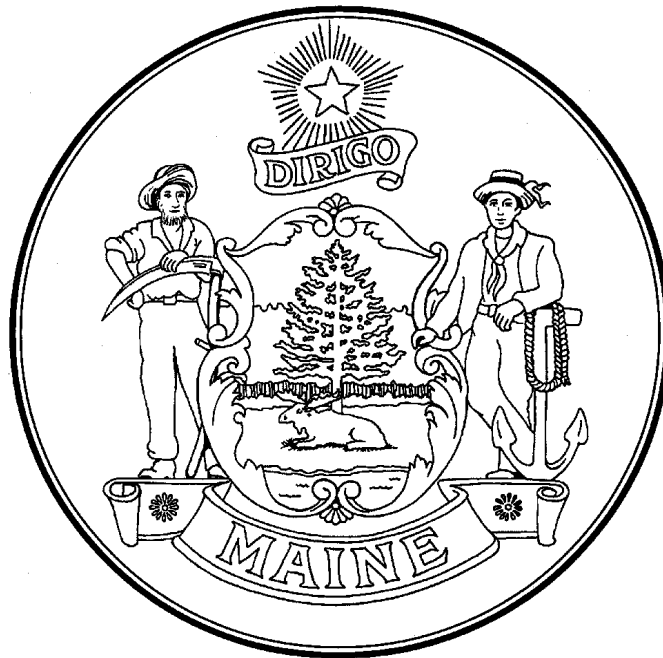


MAINE STATE LEGISLATURE

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Senate Legislative Record

One Hundred and Twenty-Seventh Legislature

State of Maine

Daily Edition

First Regular Session
beginning December 3, 2014

beginning at Page 1

Senate

Ought to Pass As Amended

Senator DAVIS for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Correct and Clarify Maine's Fish and Wildlife Laws"

S.P. 423 L.D. 1196

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-267)**.

Report **READ** and **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-267) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator DAVIS for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Strengthen Maine's Fisheries Laws"

S.P. 525 L.D. 1410

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-265)**.

Report **READ** and **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-265) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Align Municipal General Assistance Programs with the Immigration Status Policies of the Department of Health and Human Services"

S.P. 137 L.D. 369

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-271)**.

Signed:

Senator:
HASKELL of Cumberland

Representatives:

GATTINE of Westbrook
BURSTEIN of Lincolnville
HAMANN of South Portland
HYMANSON of York
PETERSON of Rumford
STUCKEY of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-272)**.

Signed:

Senators:

BRAKEY of Androscoggin
McCORMICK of Kennebec

Representatives:

HEAD of Bethel
MALABY of Hancock
SANDERSON of Chelsea
VACHON of Scarborough

Reports **READ**.

Senator **BRAKEY** of Androscoggin moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-272)** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-272)** Report.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Promote Equity in Business Opportunity for Tobacco Specialty Stores"

S.P. 295 L.D. 821

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-262)**.

Signed:

Senators:

BRAKEY of Androscoggin
McCORMICK of Kennebec

Representatives:

HEAD of Bethel
MALABY of Hancock
PETERSON of Rumford
SANDERSON of Chelsea
VACHON of Scarborough

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass**.

Signed:

Senator:

HASKELL of Cumberland

Representatives:

GATTINE of Westbrook

BURSTEIN of Lincolnville

HAMANN of South Portland

HYMANSON of York

STUCKEY of Portland

Reports **READ**.

Senator **BRAKEY** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

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

Senator **HASKELL:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I would urge you to vote against the pending motion so we could go on to defeat this piece of legislation. The concept of now being able to drink in a cigar bar sounds like a lot of fun. One of the reasons that we put no smoking provisions in many of our establishments, including bars and including restaurants, is the health reasons. The smoking of cigars in these, what are now, cigar lounges was an attempt to allow people that were going to purchase premier tobacco products to be able to have an opportunity to try them. What this bill does is allows them to sell liquor now in those cigar bars so that they can enjoy a scotch while they're smoking their cigar and, to me, it's simply another step forward into creating a bar where people can smoke. It's true that in this legislation, and I'm sure you'll hear that from the proponents, you have to have 60% of your gross sales from tobacco. They really are staying focused on tobacco. As the Maine Medical Association said in their testimony, this is a thinly veiled attempt to roll back the protection against smoking in public places, a protection for which so many in Maine worked hard on in order to promote the health of Maine people. I concur with that opinion and ask you to vote against the pending motion. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. I rise in support of the Ought to Pass motion. This is an incredibly modest proposal. This is about cigar lounges being able to just create an enjoyable atmosphere for their customers. As the Senator from Cumberland did point out, there are restrictions on this and these restrictions are significant. Sixty percent of their revenue must come from tobacco and tobacco related products. The fear that we're going to be creating bars is unfounded. If a majority of their revenue has to be coming from tobacco, that's not going to be an issue. I think the fundamental question here is: when are we going to stop trying to protect adults from themselves? This is a

really modest proposal. All we're doing is allowing adults over the age of 21 in a privately owned business if they would like to have a cigar and have a conversation with their colleagues and have some alcohol with that. Why do we need to get in the way and try to micromanage these personal decisions? Thank you very much. I hope this Body will support the Ought to Pass as Amended motion.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Hamper.

Senator **HAMPER:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I want to remind everyone that this practice is legal in two different establishments in the state. This is a leveling of the playing field. As far as the 60% on the tobacco sales, also there is a prohibition on the sale of cigarettes and the consumption of cigarettes in the cigar lounges that this would affect. Make no mistake about it, the sale of cigarettes is where the largest profit margin is, so by restricting it down to pipe tobacco and cigars we've, essentially, very restricted the sales that can be done within the cigar lounge. I want to tell you again, it is legal already in two different locations in the state. Just simply trying to allow some small businesses to expand their product lines. Thank you, Mr. President.

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

Senator **DIAMOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I do believe this is definitely a small business bill. I have a couple of businesses in my area that would benefit. We're talking about legal age to get involved in this at 21. We're talking about legal consumption of alcohol. We're talking about a legal choice if somebody wants to smoke a cigar. I understand the concerns, but I think also people need to make that choice. I would ask that we support the Ought to Pass. Again, I think it's the smallest of businesses that will benefit from this and I would appreciate your consideration. Thank you, Mr. President.

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

Senator **GRATWICK:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to this. We're making slow progress against smoking. I think we do not want to go backward in this arena. We can allow people to, people can now smoke at home. They can drink at home. I think that, obviously, will continue, but we should not be giving public license to this. Thank you, sir.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Patrick.

Senator **PATRICK:** Thank you, Mr. President. I'd like to pose a question to the Body to anyone who may answer.

THE PRESIDENT: The Senator may pose his question.

Senator **PATRICK:** Thank you, Mr. President. I was wondering, if this is going to be monitored for the 60% sale of specialty cigars, who is going to monitor this and how often is this going to

be done? Is this going to be done on a rolling average or is this going to be done on yearly average? I'm a little confused. Thank you.

THE PRESIDENT: The Senator from Oxford, Senator Patrick poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Oxford, Senator Hamper.

Senator **HAMPER:** Thank you, Mr. President. I rise to answer the question. That would be done by Maine Revenue Services on an annual basis.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Brakey to Accept the Majority Ought to Pass as Amended Report. 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 (#254)

YEAS: Senators: BAKER, BRAKEY, COLLINS, CUSHING, DIAMOND, DUTREMBLE, HAMPER, HILL, KATZ, LANGLEY, MASON, MCCORMICK, MIRAMANT, ROSEN, SAVIELLO, VALENTINO, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: ALFOND, BREEN, BURNS, CYRWAY, DAVIS, DILL, EDGECOMB, GERZOFISKY, GRATWICK, HASKELL, JOHNSON, LIBBY, MILLETT, PATRICK, VOLK

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-262) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Establish a 180-day Residency Requirement for Welfare Benefits"

S.P. 363 L.D. 1037

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

Signed:

Senator:
HASKELL of Cumberland

Representatives:
GATTINE of Westbrook
BURSTEIN of Lincolnville
HAMANN of South Portland
HYMANSON of York
PETERSON of Rumford
STUCKEY of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-263)**.

Signed:

Senators:
BRAKEY of Androscoggin
McCORMICK of Kennebec

Representatives:
HEAD of Bethel
MALABY of Hancock
SANDERSON of Chelsea
VACHON of Scarborough

Reports **READ**.

Senator **BRAKEY** of Androscoggin moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Make the State's Standard for Lead Exposure in Children Consistent with the Federal Standard" S.P. 387 L.D. 1115

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-270)**.

Signed:

Senators:
BRAKEY of Androscoggin
HASKELL of Cumberland