

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Eighth Legislature

State of Maine

Daily Edition

First Regular Session
beginning December 7, 2016

beginning at Page 1

THE PRESIDENT: The pending question before the Senate is Acceptance of the Ought Not to Pass Report. If you are in favor of accepting that report you will be voting yes. If you are opposed you will be voting no. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#369)

YEAS: Senators: BRAKEY, BREEN, CARPENTER, CARSON, COLLINS, CUSHING, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DOW, GRATWICK, HAMPER, HILL, JACKSON, KATZ, KEIM, LANGLEY, LIBBY, MAKER, MASON, ROSEN, SAVIELLO, VITELLI, VOLK, WHITTEMORE, WOODSOME, PRESIDENT THIBODEAU

NAYS: Senators: BELLOWS, CHENETTE, CHIPMAN, DION, MILLETT, MIRAMANT

29 Senators having voted in the affirmative and 6 Senators having voted in the negative, the motion by Senator **SAVIELLO** of Franklin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

The Chair laid before the Senate the following Tabled and Later Assigned (5/30/17) matter:

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Reduce Youth Access to Tobacco Products"

S.P. 391 L.D. 1170

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (S-146)** (8 members)

Report "B" - **Ought Not to Pass** (4 members)

Report "C" - **Ought to Pass as Amended by Committee Amendment "B" (S-147)** (1 member)

Tabled - May 30, 2017, by Senator **BRAKEY** of Androscoggin

Pending - motion by same Senator to **ACCEPT** Report "B" **OUGHT NOT TO PASS**

On motion by Senator **JACKSON** of Aroostook, 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 Aroostook, Senator Carpenter.

Senator **CARPENTER:** Thank you, Mr. President. This is one of those bills that come along every session, where we have a real chance to make a difference. When I came down here after last

November's election there were two sort of cardinal things that I wanted to try to do. One is to do anything I could to make sure that more people turned out to vote in our elections and, two, is anything I could do to prevent people from smoking or to help people to quit smoking. I was a 2-pack a day smoker for 32 years and started when I was about 20 years of age in college and if I had not stopped, now going on 18 years ago, I would be dead today. Ironically enough, when I first came to the Legislature, right out of - I was fairly new out of the service, fairly new back from Vietnam, there was a bill before the Legislature to raise the drinking age - to lower the drinking age, I'm sorry, from 21 down to 18, and, of course, I got all caught up in the argument of, 'Well, if you're old enough to go off to war and be drafted and die, then you are old enough to drink.' I voted to lower the drinking age, which in retrospect, was a mistake. Today's military - the cost to the military - the cost to the budget of the United States is estimated to be well over \$1 billion to treat smoking related medical issues in the military. Today's military is not a draft military. It's an all-volunteer military. Nevertheless, the smokers that are on active duty, they estimate right now, 175,000 active duty military will die of smoking related causes.

Now, this is going to be a hassle for the store owners and there's an issue about if you live near New Hampshire. I understand all of that, but if we can prevent - if we can take an action here today that prevents one death, one death, and the deaths from smoking are not quick and easy. They are painful. They are awful. I just ask you, as you vote today, to answer this one question for yourself: do you know of anybody who's been smoking for any period of time, over the age of 21, who does not wish that they had never started? Now, I know there are a lot of negatives in that, but just think about it. Have you ever spoken to anybody over the age of 21 who said, 'Boy, I'm really glad I started when I was 16'? Thank you, Mr. President.

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

Senator **BRAKEY:** Thank you, Mr. President. I rise in support of the pending Ought Not to Pass motion on L.D. 1170, which seeks to make the purchase of and sale of tobacco products illegal for adults between the ages of 18 and 21. Now, I'm sure that those supporting this legislation truly believe the creation of this new government regulation and prohibition on Maine people will work out for the best. I have no doubt this bill, like so many other items of legislation that come before this Body, comes with very good intentions. Yet, as the common saying goes, the road to Hell is paved with good intentions. Let me first clarify something about this bill. Despite its misleading title, the only group of people this legislation seeks to restrict are adults. At the age of 18 you are legally an adult, as you have reached the legal age of majority, and at the legal age of majority you are recognized by law to be an adult, capable of managing your own affairs and responsible for any legal obligations created by your actions. At the age of majority you obtain legal control over your own person, your own decisions, and your own actions. You can vote. You can enlist. You can fight our wars. You have legal liability for your actions and you can even be sued in court. In short, you can make your own decisions about your own life and how you live it.

I'll say, as one of the younger members of this Body, I will say that the narrative that sometimes exists that younger adults are children, as even the title of this bill suggests, incapable of making the same decisions for themselves, decisions that all

other adult Maine people are allowed to make for themselves without the help of nanny government, frankly, is somewhat insulting. Of course, I understand the impulse. It is simple human nature to watch on with anxiety as any individual steps into his or her full adult rights for the first time. We know that with rights comes responsibilities and we wonder how might those we love, inexperienced with these new freedoms, how might they harm themselves, not knowing the value of the responsibilities that come with those freedoms. This anxiety and this concern from this question is certainly understandable. I can't fault anyone for that. But our answer should never be the employment of a nanny state government to curtail the freedoms of other adults. The longer we employ such a nanny state to infantilize our citizens, not trusting them with their full adult rights to make their own decisions, the more we create dependency and hinder individuals from developing the sense of personal responsibility we ultimately hope to see.

Mr. President, I will be as clear as I possibly can. I detest smoking. I don't smoke. I think it is distasteful. I think it is certainly hazardous. I discourage smoking with all of my friends and loved ones. I am even at times known to be very annoyingly persistent about it, and you can ask, you can ask people. Anyone who may be listening in right now, who may be considering picking up the habit, I can simply say this: don't do it. It's stupid. It's disgusting and it's unmistakably bad for you, and I will use every breath I can to discourage my loved ones and the people of Maine from picking up the habit of smoking. In a free society, it is completely within our rights to use the peaceful force of persuasion in this manner but, where the force of persuasion fails us, we have no right to resort to utilizing the coercive force of government to compel and limit the freedoms of adult citizens whose only crime is making a personal life choice we may happen to disagree with.

Now some will say, 'We aren't seeking to limit anyone's freedoms. We're just requiring people to make good decisions for themselves.' I think begs the question: if you only have the freedom to make good decisions, do you, in fact, have any freedom at all? Who gets to decide what is a good decision? The individual or the government? Proponents of this bill will tell us all about the health hazards of smoking. Those hazards are real. I completely agree with that, and if we were kings claiming ownership over the Maine people as our subjects and charged with dictating their affairs, then perhaps this information might be relevant today as we make our decision. Perhaps we would even seek to be benevolent tyrants, dictating the lives of our subjects for their own good. But, Mr. President, we are not kings and the Maine people are not our subjects. We live in a free nation. In our Constitution the people charge us with the task of protecting their God-given rights, including the right of self-determination. We fought a revolution for this principle, to overthrow the rule of kings so that people could - so that we, the people, could rule ourselves. We echo these fundamental principles in our founding documents, in our national anthem, and even in the pledge of allegiance we all spoke this morning. Simply put, regardless of our own personal views on the matter, and my personal view is smoking is a terrible decision, but regardless of our own personal views on this matter, we, in government, simply have no right to prohibit adult citizens from making their own choices in their own personal lives. This is true in regards to so many issues and is also true with the personal choice of tobacco use. To do so would violate the fundamental rights of Maine people, as well as violate our duty as Legislators to protect those rights. I sincerely

hope that our duty to protect the natural rights of Maine people will carry enough weight in this Body to defeat this legislation today. That said, I also somewhat humbly recognize that not everyone in this Body shares my perspective on the limited scope of government's authority.

So I'll close with one final, and perhaps more practically grounded argument: what results do we expect to see from the passage of this legislation? And I truly intend this as a serious question. Do we honestly believe those adults between the ages of 18 and 21, who would have previously used tobacco products, will no longer have access to those products simply because we tell them they are not allowed to legally purchase them or might we expect, like so many other products that fall under government prohibition, tobacco products will become available once again for adults between the ages of 18 to 21, but this time in an underground black market? Mr. President, all philosophy aside, I am truly concerned that the creation of this new prohibition will give black market drug dealers in Maine a new product to sell. It would create, in fact, a new gateway drug because, as we can all imagine, cigarettes will not be the only substance the drug dealers would be pedaling. Black market cigarettes would become the new hook to lure in new clients, but it won't be long until some of those drug dealers succeed in upselling these new clients to harder, more addictive substances, perpetuating our own drug crisis in the State. The road to Hell is paved with good intentions. Mr. President, despite good intentions, this legislation would do serious harm. It would violate the autonomy and the liberties of Maine adults. It would push Maine adults into the illegal black market and it would empower and give more business to drug dealers. I sincerely hope that my colleagues in this Chamber accept the pending Ought Not to Pass motion and I urge us to reject this legislation. Thank you very much, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Davis.

Senator **DAVIS:** Thank you, Mr. President. Good morning, colleagues in the Maine State Senate. I rise in opposition to the pending motion. I do want to say, though, that the good Senator from Androscoggin and I agree one thing. Smoking is a terrible habit. No question. I want to tell you why I oppose this bill and I will do my best to articulate my thoughts the best I can, Mr. President. When I was approached by the American Cancer Society to do this I thought about it for quite a while before I agreed to do it. Some of the reasons were just articulated. I gave it a lot of thought because, you see, I am extremely bias against tobacco and tobacco products and I will get into that a little bit. But if we can consider all the physical problems, the pain and suffering, by both victims of tobacco use, family, friends, etcetera, all the lost wages, all the lost productivity, all the damage to the economy, then I think you can see why perhaps I oppose this. This isn't about, certainly we will be happy to have this happen and it may happen in a few different instances, but this isn't about so much people quitting smoking. It's more about peer pressure. Let me tell you a little bit about how I come to dislike tobacco so much and how peer pressure affected me in my life. In 1968, I came home from Fort Jackson, South Carolina. I'd been on active duty there. Was there the night Martin Luther King was killed. Interesting times, to say the least. I was smoking 2 to 3 packages of cigarettes a day. I didn't fool around with it. It was Marlboros. When I really wanted to feel like a big deal I went to

the Camels and the Lucky Strikes. Two a.m. in the morning I'd wake up and I would reach out for my Marlboros. Two a.m. in the morning. I had to quit. There was no question. I knew that if I was going to have a life I had to kick this terrible habit and, with the help of the good Lord, I was able to.

Now you might ask how did a young man, as myself, get into such a - get himself into such a habit? How did this all happen? Well, first at home, my Dad smoked heavy. My brother smoked heavy. Dad smoked Camels and my brother smoked Winstons. I remember walking by my Dad's bedroom in the morning. He'd be sitting on the edge of the bed. He started smoking when he was 16 and he was smoking at least 2 packs to 3 packs a day when I walked by the door of his room. He had tobacco and nicotine stains right up his arm. He'd be sitting on the edge of his bed, coughing until he had no more breath. Coughing, and then he would just make a very strange noise as he was attempting to cough. He couldn't cough. He couldn't. My brother and my Dad both died from the complications of lung cancer, both of them. My Mom died of breathing disorders related to second-hand smoke. These are the people that nurtured me and brought me up and people that I looked up to and I lost them to smoking.

When I went to high school it was the cool thing to do. You want to be like the big guys, so you smoked. They all smoke. It must be alright. If you don't smoke, what kind of an idiot are you. You need to smoke, or at least most of the guys that I wanted to be like smoked. They - we used to go out back of the gymnasium early in the morning. It was kind of cornered off. If you got caught smoking in the parking lot, or anywhere near it, you usually had a chance to see what the inside of the Principal's office looked like. But other than that, if you stayed out back you were alright. After school, of course, they couldn't control you once you was off school grounds, and we all smoked on the way home, and this was - happened every day. This is what happened.

After high school, I was in the service and at that time, I believe it's a little different now - excuse me, Mr. President - at that time smoking was greatly encouraged. Our K-rations that came when we were out in the field had 4 cigarettes in them. Little packs, 4 cigarettes in each one. A smoke break every hour - every hour - and the Sergeant would say, 'Smoke 'em if you've got 'em.' That's what the rules was, and I see some of my friends chuckling. I'm sure they remember those days. Of course, we had them. Twenty-two cents a pack when I left South Carolina. Twenty-two cents a pack. Budweiser was 99¢ a six-pack at the same time. The Px had trouble keeping both in stock. The short and long of being in the service, you really weren't a man if you didn't smoke. That was the bottom line. Well, I came home, as I said, in '68 and I went back to school. I smoked on the way to school. I smoked on the way home from school. I smoked during school. I smoked and smoked and finally I decided that I had to get rid of it, so I went to a pipe. I smoked a pipe and I was smoking 2 packages of that a day and then I realized that if I didn't want to die, probably before I got to be 30, I'd better get rid of this habit, and I did and, as I said, the good Lord helped me and I was able to do it. When I did quit I was having trouble breathing. I was having all kinds of issues, and I quit and I was spending far too much money - money I didn't have. It wasn't 22¢ a pack back here. It was considerably more. For 6 months, I was so addicted to these darned things, I could chew the heads right off - right off nails. It was just horrible. It was a hankering for it. It was just unbelievable. Had to have it. My gosh, you would shake and your nerves would be upset and you'd reach out and sass

your good friend like this guy, and it was awful. I don't understand. I haven't smoked for 50 years and I'm sassing. I don't understand that.

The opponents will say that if a person is old enough to shoot a rifle or vote or join the Army or whatever than they can make their own decisions. Well, I gave you the things about peer pressure and it's peer pressure that controls people smoking. I believe that, especially when they're young. When they're in high school, they want to be like the other boys, and the other girls, and they pick it up. It's peer pressure. The peer group in the service, most of the kids going in now days are 18 and there aren't many 15 year olds for them to impress and the peer pressure, I believe, as far as 15 and 16 and 17 year olds isn't there. Maybe a few 17 year olds, but not many. I have no problem with them making their own decisions. My good friend's absolutely right. They should be able to make their own decisions as long as other people aren't learning this habit from them. Don't underestimate - don't underestimate - peer pressure and what it can do to young people, and the influence that comes from older people when young people are looking up to them. I think probably, Mr. President, you get the idea that I don't care much for smoking and tobacco. Again, colleagues, I will say this is not an attempt, directly, to make people quit. This is an attempt to try to control the peer pressure are young people are suffering. Thank you very much and I ask that you follow my light and I believe a roll call has been ordered, Mr. President. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Cyrway.

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I'm very fortunate. I never smoked, never even tried one. But I was a year old when I lost my grandfather. He smoked 4 packs of cigarettes a day and died at 47 years old. We don't really have an age in our society where you're free to do whatever you want. We have a range of ages depending on the activities and the risks. You need to be 16 to drive, 18 to vote, 19 to play for the Boston Celtics or another NBA team. You have to be 21 to join the Maine State Police or purchase alcohol or enter Oxford Casino or Hollywood Casino. Many car rental companies won't rent to you until you're even older. For anyone in this Chamber who has ambitions to running for the U.S. Congress, you have to be 25. My point is it's not the case that we have a single age of adulthood and we can say you've reached that age and the world is your oyster and everything is open to you. We lose 400,000 people every year to tobacco smoking. Four hundred thousand. That's one-third of what the population of this State is every year. It's the number one cause of death in this nation. Let's do something about it. It takes an average of 15 years off a lifetime of a person that smokes all their lives. An average 1 pack a day smoker costs about \$3,000 a year and in a two person family, where the husband and wife both smoke, that's \$6,000 a year. If you're a 2 pack person, double that. I call this not a health plan but this is a death plan. You know, I've been fighting drug abuse and whatever. I never used drugs, illegal drugs. I don't drink. I just feel that I've seen so much out there in law enforcement I felt I had to do something. I want to help people and I guess I'm a part of the pavement. I hope I can make that road a little bit smoother by getting it done and I think this is the time to try to get this done. You know, why not try to help these people from making mistakes, and this is a situation where the 18, 19, 20 year olds,

they're still in high school, some of them, and they're giving cigarettes, after they buy it, to the younger individuals, and most kids start smoking before they're 18. This is why it's an important piece here and this is just part of the puzzle, but I appreciate anybody that can vote to kill this Ought Not to Pass. Thank you.

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

Senator **LIBBY:** Thank you, Mr. President. Men and women of the Senate, I rise in opposition to the motion before us. I think there's probably one or two members in this Chamber who are presently struggling with quitting tobacco addiction, and I'm one of them. I started when I was 18 years old and I succumbed to peer pressure over a couple of months. A portion of my circle of friends had picked up the dirty habit and thought it was a good idea to get the rest of us to at least try it, and I tried it and I liked it and I had forgotten about DARE class in elementary school and I had forgotten about my parents struggling with addiction for years and years and I had forgotten everything I knew about the health effects of smoking because I tried it and I liked it and I got hooked. For 15 years of my life, almost half of my life, I've been addicted to tobacco and I'd love to agree with my good colleague from across the Androscoggin River, Senator Brakey, that it's a personal choice. But it was a personal choice when I started. Each subsequent day I was grappling with a deadly addiction. If the law in the State of Maine had been the same as the law for purchasing alcohol I may not have been such a stupid young person to start at 18 years old. I could have had a chance to let my brain develop a little more; my self-confidence to develop a little more; to be able to say no to that terrible, disgusting, awful habit. Tobacco products are not like any other legal product on the market. These products cause disease and premature death when you use them as directed. Effective policies are needed to protect everyone, especially younger people, from developing a lifelong deadly addiction. Keep in mind the brain is still developing during this time, including areas responsible for decision making, for impulse control, for sensation seeking, and for susceptibility to peer pressure. Age 21 laws are used to help prevent other risky behaviors, such as alcohol consumption and gambling. I did a quick calculation. I've spent \$33,000 on cigarettes; \$33,000. Of course a good portion of that did go to the Maine Treasury, so we're all thankful for that. Mr. President, men and women of the Senate, it's high time we followed the path that's being struck by other states and other cities in this country and tried to help save a few young people from starting this deadly, deadly habit. Thank you, Mr. President.

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

Senator **CARPENTER:** Mr. President, thank you. Sorry I have to rise again, but I agree with all that my colleagues have said in the anti-smoking cause, but those of you who have never smoked can't appreciate what Senator Davis and Senator Libby have said in terms of how difficult it is. There was a day when I had an office on the 6th floor of the State Office Building. In those days, before we remodeled the Cross Building, there was a loading dock. I stood out there at 10 below zero because I had to have that smoke - you could smoke in those days out away from the buildings. It is so hard, it is so hard to kick. I've seen studies, I've seen research that suggests that it is as hard as any other drug.

If I walk by Senator Libby today, and he was smoking a cigarette, the smell is so seductive to this day, and I've been off for 18 years, and I know, I know, that if I had one cigarette today I would be back to a pack a day habit within a matter of several days. I'm very fortunate, and this is a story, you all tease me for my stories, but I have to tell you this story because it's to those who wish to quit, and it's absolutely true. In 1999 I tried everything. I got Wellbutrin. I had patches. Take the patch off, have my cigarette, and put the patch back on. Kind of defeated the purpose. Tried everything. I never got 24 hours. I never got a full day. In November of '99 I went to tuck my 13 year old daughter into bed and I said, 'Honey, what do you want for Christmas?' and she started to cry. She said, 'The only thing I want is for you to quit smoking.' I dropped cigarettes Christmas Eve '99. I've not had a cigarette since. So it can happen, and you just hit that right moment. I'm saying that, I'm looking at these youngsters down here because they have friends back in their school who are smoking today, and maybe this won't prevent a lot of people from picking up the habit but some people are going to say, 'It's illegal, I can't buy them.' I think I would have back in those days if the age had been 21. I don't think I would have broken the law and bought cigarettes. So I really hope that you can support the - I'm sorry, oppose the pending motion. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. I apologize for rising a second time, especially because I know I've taken up plenty of time already the first time I rose, so I'll try to keep my comments briefer now that I rise again. You know, Ronald Regan once said, I know not everyone here is a fan of Ronald Regan but I certainly am. He said, 'Government exists to protect us from each other. Where government has gone beyond its limits is in deciding to protect us from ourselves.' That's very important to me when I think about how I'm going to vote on this legislation, but I want to contest one thing that a member of - my colleague from Androscoggin County brought up. He said that tobacco is the only substance that causes disease when you use as directed. Well, I certainly agree that it does cause disease when used and over-used. I could not say that is the only legal substance that does so. In fact, the leading cause of death in America right now is heart disease. A big contributing factor to heart disease is refined sugar and yet - if I'm to follow that logic and that principle, perhaps in the next session we should be considering legislation to ban Big Gulp sodas for adults 18 - 21. Where does it end? We could take this - if we are not the safeguards of the people's liberties, if we are here to dictate how people live their lives and what their personal health choices should be, I can't imagine that it ends here. There's no reason why we should not continue on to ban Big Gulp sodas, to ban sugary snacks. There's no reason we should not ban all the other substances that we, in government, deem are not healthy for the people and we should not prescribe a - maybe we should even go on to dictate how many vegetables a day people should be eating. I don't think that's the path I want to go down. I don't think that's the path we are charged to go down. I think passing this legislation today does a disservice to what our responsibility is in State government, as the protector of the people's liberties, and I sincerely hope you will reject this legislation today. Thank you.

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 wish to give you just a brief historical overview. I'm sure that not many people these days would agree, but in case you don't know, smoking is good for you. Smoking is a wonderful thing to do. It brings families together. You can all do it together and it aces your health. This is the advertisement in the 1930s. In the 1940s it began to be some evidence that smoking may not be quite so good for you. The '50s made progress into the legislation, in the late '50s cancer associations, in '64 there was legislation that began to ban it in different places. This is an incremental step. We've been at this now for 70 years in this country. Is it ever going to be perfect? The answer is no. I view this as being another important step in terms of public health and something we really should support at this time. It's a very limited restriction and I think we can be proud that we've done our part in this long, historical march to decrease the effect of this particular weed in our society. Thank you.

THE PRESIDENT: The pending question before the Senate is the Report "B" Ought Not to Pass Report. A roll call has been ordered. If you are in favor of accepting Report "B" Ought Not to Pass you will be voting yes. If you are opposed you will be voting no. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#370)

YEAS: Senators: BRAKEY, CUSHING, KEIM, MASON

NAYS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, COLLINS, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DION, DOW, GRATWICK, HAMPER, HILL, JACKSON, KATZ, LANGLEY, LIBBY, MAKER, MILLETT, MIRAMANT, ROSEN, SAVIELLO, VITELLI, VOLK, WHITTEMORE, WOODSOME, PRESIDENT THIBODEAU

4 Senators having voted in the affirmative and 31 Senators having voted in the negative, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** Report "**B**" **OUGHT NOT TO PASS FAILED.**

Report "**A**" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-146) ACCEPTED.**

Bill **READ ONCE.**

Committee Amendment "A" (S-146) **READ.**

On motion by Senator **DAVIS** of Piscataquis, Senate Amendment "B" (S-306) to Committee Amendment "A" (S-146) **READ.**

THE PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Davis.

Senator **DAVIS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, this amendment moves the date to July 1st of 2018. Anyone born prior to that date can purchase cigarettes or tobacco products. The purpose of it is to reduce the loss of revenue that State is going to have. The fiscal note was \$2 million. Moving this out changes that; the first year there is no loss of revenue and they say the second year the loss of revenue will be \$106,000 to the State and \$111 to the communities. I respectfully suggest, it's my belief, there will be no loss of revenue. Thank you.

On motion by Senator **DAVIS** of Piscataquis, Senate Amendment "B" (S-306) to Committee Amendment "A" (S-146) **ADOPTED.**

Committee Amendment "A" (S-146) as Amended by Senate Amendment "B" (S-306) thereto, **ADOPTED.**

Senate at Ease.

The Senate was called to order by the President.

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-146) AS AMENDED BY SENATE AMENDMENT "B" (S-306)** thereto.

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (6/1/17) matter:

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Explicitly Protect against Sex Discrimination
H.P. 153 L.D. 197

Tabled - June 1, 2017, by Senator **CUSHING** of Penobscot

Pending - **FINAL PASSAGE** in **NON-CONCURRENCE**

(In House, **FAILED FINAL PASSAGE.**)

On motion by Senator **HAMPER** of Oxford, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **ENACTMENT** in **NON-CONCURRENCE.**

Off Record Remarks