

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Twenty-Eighth Legislature

State of Maine

Daily Edition

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beginning at Page 1

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The Secretary has so informed the Speaker of the House of Representatives.

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The Following Communication: S.C. 588

**STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE**

1 August 2017

The 128th Legislature of the State of Maine  
State House  
Augusta, ME

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1170, "An Act To Reduce Youth Access to Tobacco Products."

This bill would change the legal age for purchase of tobacco products from 18- to 21-years-old. However, to avoid the true fiscal impact of the bill, it was amended to grandfather all who reach the age of 18 by July 1, 2018. This kind of legislative chicanery is not only irresponsible, but it will also contribute to a significant deficit in the next biennial budget.

The fiscally irresponsible aspect of the bill is reason enough to deserve my veto. But I am equally concerned about this attempt at "social engineering" by those who do not respect the rights and responsibilities our society vests in our citizens when they become 18. After World War II, President Eisenhower used his 1954 State of the Union Address to call for 18-year-olds to have the right to vote. Having commanded the troops in the war, he understood how unfair it was to those who had served our country and defended our liberties while being denied this fundamental right. In 1971, the 26th Amendment to the United States Constitution granted the full rights of citizenship to 18-year-olds.

In addition to the right to vote and serve in the military, our laws provide 18-year-olds the right to marry and divorce and make decisions about medical treatment. The responsibilities to pay taxes and be tried as adults if accused of a crime also come with turning 18. I cannot support legislation that denies the right to purchase a legal product to those who are otherwise treated as adults.

Those who advocate that this legislation would protect those under 18 from tobacco use ignore the U.S. Centers for Disease Control's surveys from 2011-2014, which provide evidence that four times as many high school students drink alcohol than smoke

cigarettes. The fact that the legal age to purchase and consume alcohol is 21 everywhere in the country while the legal age to purchase tobacco is 18 in most of the country demonstrates this legislation will not achieve its stated purpose.

LD 1170 will simply increase the black market for tobacco products and push our Maine citizens between the ages of 18 to 20 into acquiring tobacco products through alternative sources.

Finally, this bill will hurt our Maine convenience and grocery stores, which will lose sales of tobacco and other products to neighboring New Hampshire. Our Maine retailers had a compliance rate of 95.52% for sales of tobacco products—the second best compliance rate in the nation, according to the FDA's inspections involving sales to minors. Clearly, our retailers are doing an outstanding job enforcing the current law.

I cannot support legislation that creates a competitive disadvantage for our small business owners, particularly those near the New Hampshire border. Therefore, I return LD 1170 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

The accompanying Bill:

An Act To Reduce Youth Access to Tobacco Products  
S.P. 391 L.D. 1170

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2 of the Constitution, the vote will be taken by the Yeas and Nays. A vote of yes will be in favor of overriding the veto of the Governor. A vote of no will be in favor of sustaining the veto of the Governor."

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

Senator **BRAKEY:** Thank you, Mr. President. Common sense would tell me when you've lost a fight but I appreciate the indulgence. I do feel the need to just stand and speak on this one last time. I think that if we override this veto today and this goes into law there will be unintended consequences. We will see cigarettes becoming a product of the black market, sold by black market drug dealers who are selling more than just cigarettes and attracting new clients to their harder products. I think we will see that if this becomes law. I do encourage us to sustain this veto. I'll cross my fingers and hope that that happens, though I have very little hope for that. But I do just want to take this opportunity to just share with this Body and read into the record some immortal words from C.S. Lewis that I think are very relevant to this bill today. So I'll share this, then I'll sit down, but I do think it is very relevant. "Of all tyrannies, a tyranny sincerely exercised for the good of its victims may be the most oppressive. It would be better to live under robber barons than under omnipotent moral busybodies. The robber baron's cruelty may sometimes

sleep, his cupidity may at some point be satiated; but those who torment us for our own good will torment us without end, for they do so with the approval of their own conscience. They may be more likely to go to heaven, yet at the same time likelier to make a hell of earth. This very kindness stings with intolerable insult. To be cured against ones will and cured of states which we may not regard as disease is to be put on a level of those who have not yet reached the age of reason or those who never will; to be classed with infants, imbeciles, or domestic animals." Thank you, Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Hancock, Senator Langley.

Senator **LANGLEY:** Thank you, Mr. President. Men and women of the Senate, as a co-sponsor of this piece of legislation, I rise to support the override. My good colleague from Androscoggin, I really appreciate his comments. He takes a line of protecting our freedoms and voicing our freedoms, and I do listen to his arguments and enjoy them. After the last one where he talked about, you know, people's freedom to choose. He talked about 18 year olds. In my experience, in my life with relatives, that freedom to choose then was kind of overridden by a loss of a freedom to quit. My mother's very last words, very last words on this planet, were, 'I could not quit.' This was just before she passed away from lung cancer and I think her freedom to quit had been robbed from her at a very early age of when she started to smoke. Both my mother and my brother, who both served in the military and I took these flyers on our desks today talking about tobacco with our men and women in the military, they both started to smoke in the military because the thing was 'smoke 'em if you've got 'em'. My brother, who is just a little bit younger than me, he's probably 56 or 57, still smokes to this day and couldn't quit. Also, still in my family, I have a nephew who lives in Colorado. I went out to visit him. He's in his early 20's and a very disturbing practice that I'm seeing is mixing and rolling your own filterless cigarettes with marijuana. It stretches it out and you can deliver it with your tobacco. Now he's just 22 or 23. So for me to support this, along with my good colleague, Senator Davis, really isn't about taking away somebody's right to choose, but just sort of delaying that until they're 21, and along with all of the other vices that we delay until 21. So, for me, it's an easy vote to override. Thank you for your patience today.

**THE PRESIDENT:** If you are in favor of overriding the Governor's veto you are going to 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 (#423)**

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

**NAYS:** Senators: BRAKEY, CUSHING, HAMPER, KEIM, MASON

**EXCUSED:** Senator: VOLK

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The Following Communication: S.C. 589

**STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE**

1 August 2017

The 128th Legislature of the State of Maine  
State House  
Augusta, ME

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1260, "Resolve, To Establish the Commission to Create a Plan to Enhance the Efficiency and Effectiveness of the Probate Court System."

This bill establishes a commission to overhaul our probate court system, which was repealed by the people of Maine in 1967, and create a more efficient and effective court system. The commission is directed to focus on meaningful access to justice, promote judicial responsibility, adherence to the code of judicial responsibility and provide for qualified judges and professional staff. All of these conditions are currently being met by each and every probate court in the State of Maine. The probate judges and staff have continued to deliver exceptional service to the people of Maine.