

# MAINE STATE LEGISLATURE

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Senate Legislative Record

One Hundred and Twenty-Eighth Legislature

State of Maine

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beginning January 3, 2018

beginning at Page 1451

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Provide Alternative Repayment Methods to Employees Overcompensated through an Employer Error" H.P. 935 L.D. 1345

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-610).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-610).**

Report **READ** and **ACCEPTED**, in concurrence.

Bill **READ ONCE.**

Committee Amendment "A" (H-610) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Authorizing the Deorganization of Codyville Plantation" H.P. 1160 L.D. 1673

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-609).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-609).**

Report **READ** and **ACCEPTED**, in concurrence.

Bill **READ ONCE.**

Committee Amendment "A" (H-609) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Facilitate Wireless Broadband Deployment in Maine and Modify the Process for Issuing Utility Facility Location Permits" H.P. 1170 L.D. 1690

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

Signed:

Senator:  
DION of Cumberland

Representatives:

BERRY of Bowdoinham  
COOPER of Yarmouth  
DeCHANT of Bath  
HANLEY of Pittston  
HARVELL of Farmington  
O'CONNOR of Berwick  
RILEY of Jay  
RYKERSON of Kittery  
SANBORN of Portland

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

Signed:

Senator:  
WOODSOME of York

Representative:  
WADSWORTH of Hiram

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

Reports **READ.**

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

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**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Allow Tobacco Retail Establishments To Serve Alcohol" H.P. 923 L.D. 1329

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

Signed:

Senator:  
CHIPMAN of Cumberland

Representatives:

HYMANSON of York  
CHACE of Durham  
DENNO of Cumberland  
MADIGAN of Waterville  
McCREIGHT of Harpswell  
PARKER of South Berwick  
PERRY of Calais

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-603).**

Signed:

Senators:

BRAKEY of Androscoggin  
HAMPER of Oxford

Representatives:

HEAD of Bethel  
MALABY of Hancock  
SANDERSON of Chelsea

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

Reports **READ**.

Senator **BRAKEY** of Androscoggin moved the Senate **ACCEPT**  
the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-**  
**CONCURRENCE**.

On motion by Senator **CHIPMAN** 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 Chipman.

Senator **CHIPMAN:** Thank you, Mr. President. Men and women  
of the Senate, if this bill sounds familiar that's because it is almost  
identical to a bill that we defeated last year. This bill would allow  
alcohol, which is something a lot of people like, to be paired  
together with tobacco and be consumed in tobacco  
establishments, smoking lounges, and it just takes the State in  
the wrong direction. By allowing alcohol to be paired with  
tobacco, in my mind, it makes tobacco more attractive and I don't  
think that's what we want to do. It really just takes us in the  
wrong direction. As I said, we did defeat this bill last year. I  
believe the vote was 25-7 and I hope you will join me in defeating  
it again this time. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. I won't spend too  
much time because, as the Senator from Cumberland points out,  
this is similar to legislation that we've heard before and we've  
been through this exercise before. I'll just say this, you know, this  
really comes down to whether or not you believe that private  
businesses should be able to set their own policies or you don't.  
It comes down to whether or not you believe that adults over the  
age of 21 should be able to make their own choices in regards to  
tobacco and alcohol or you don't. I believe in a free society.  
Private businesses have the right to make their own choices and  
adult people have the right to make their own choices, even if I  
don't always agree with those choices. So I'll be supporting the  
motion. I invite anyone who believes in the right of private  
businesses to make their own choices and for adult citizens to  
make their own choices to join me. 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'll make it brief as well. I just want to  
let you know that this could also open the door for smoking  
marijuana in those lounges and I certainly think that this is  
heading in the wrong direction for our kids and our families and I  
think that this is not the way to go. Thank you.

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

Senator **BRAKEY:** I'll just say to the concern expressed by my  
good colleague from Kennebec County that was never brought up  
as a concern in any of this. If there is a technical error with the  
language that could be read that way, I'm certain we could  
remedy that if this Body did pass this motion.

**THE PRESIDENT:** Just for clarity sake, everybody is aware that  
we are on item 5-10 in your printed calendar. It's L.D. 1329. The  
pending question before the Senate is Acceptance of Committee  
Amendment "A", which is the only report the Secretary wants  
folks to know. Is the Senate ready for the question? 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 (#521)

YEAS: Senators: BRAKEY, CUSHING, HAMPER, MASON,  
MIRAMANT

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

EXCUSED: Senators: DESCHAMBAULT, HILL

5 Senators having voted in the affirmative and 28 Senators  
having voted in the negative, with 2 Senators being excused, the  
motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the  
Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-**  
**CONCURRENCE, FAILED**.

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in  
concurrence.

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#### Divided Report

The Majority of the Committee on **HEALTH AND HUMAN**  
**SERVICES** on Bill "An Act To Reduce the Cost of Care Resulting  
from Blood-borne Infectious Diseases" (EMERGENCY)  
H.P. 1187 L.D. 1707