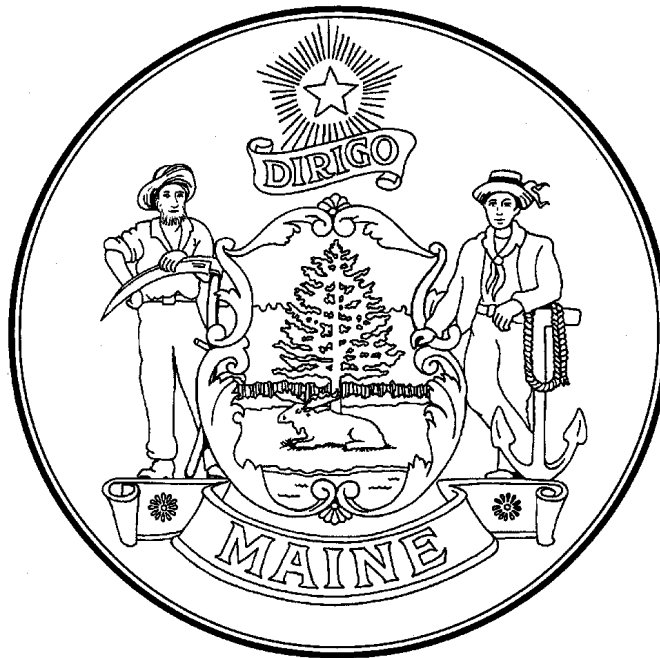


MAINE STATE LEGISLATURE

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Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-64)** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Allow Eating Establishments To Permit Smoking Tobacco in Designated Outdoor Eating Areas" (H.P. 325) (L.D. 416)

Signed:

Senators:

GRATWICK of Penobscot
CLAXTON of Androscoggin
MOORE of Washington

Representatives:

HYMANSON of York
CRAVEN of Lewiston
MADIGAN of Waterville
MEYER of Eliot
PERRY of Calais
STOVER of Boothbay
TALBOT ROSS of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-62)** on same Bill.

Signed:

Representatives:

GRIFFIN of Levant
JAVNER of Chester
O'CONNOR of Berwick

READ.

Representative HYMANSON of York moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative ANDREWS of Paris **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Andrews.

Representative **ANDREWS**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise today in support of the Amended Minority Report.

This bill is not about smoking so much as it is pushing back against the nanny state that constantly seeks to tell businesses how to operate and free individuals how to live their lives. That is not what this country was founded upon. This nation was founded upon individual liberty and built on the freedom to allow businesses to run and operate as their owners see fit. It's their risk, not the government's.

This bill is about the liberty for adults of legal age to engage in whatever legal activities they want to in a provided space and to put into their bodies whatever legal products they see fit to consume. That is no one else's choice but their own. All this bill as amended does is allow bar or restaurant -- and only if that establishment wants to --

The SPEAKER: The Representative will defer. The Chair recognizes the Representative from Biddeford, and asks what his Point of Order is.

Representative **PECTEAU**: Thank you, Madam Speaker. I believe the body is not to speak to an amendment on a Minority Report. The motion before us is the Majority Ought Not to Pass Report.

On **POINT OF ORDER**, Representative PECTEAU of Biddeford asked the Chair if the remarks of Representative ANDREWS of Paris were germane to the pending question.

The SPEAKER: The Chair recognizes the Representative from Biddeford's comment and the Chair will advise the body that when - and this has been the way I've operated as Speaker in the past - when we have an Ought Not to Pass motion in front of us, I will allow debate on the substance of the bill. That is in fairness to the Minority and that is a ruling of the Speaker.

Subsequently, the Chair **RULED** that the remarks of Representative ANDREWS of Paris were germane to the pending question.

The SPEAKER: The Representative may proceed.

Representative **ANDREWS**: Thank you, Madam Speaker. I'm speaking against this bill because I feel that if a free and independent business wants to set up an outdoor area on their private property for legal adults to engage in a legal activity, they should most assuredly be allowed to do so. I would ask you to help me push back against an ever-encroaching nanny state and vote to empower small businesses to operate freely and secure individual liberty by following my light. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 39

YEA - Ackley, Alley, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Corey, Craven, Crockett, Daughtry, Denk, Dodge, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Hickman, Higgins, Hobbs, Hubbell, Hymanson, Ingwersen, Jorgensen, Kessler, Kornfield, Landry, Madigan C, Marean, Martin J, Mastraccio, Matlack, Maxmin, McCrea, McCreight, McDonald, McLean, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, Paulhus, Peabworth, Peoples, Perry A, Perry J, Pierce T, Pluecker, Reckitt, Riseman, Roberts-Lovell, Rykerson, Schneek, Sharpe, Sheats, Stanley, Stover, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Verow, Warren, White B, Zeigler, Madam Speaker.

NAY - Andrews, Arata, Austin S, Bickford, Blier, Bradstreet, Campbell, Cebra, Costain, Curtis, DeVeau, Dillingham, Dolloff, Drinkwater, Faulkingham, Fecteau J, Foster, Griffin, Haggan, Hall, Hanington, Hanley, Harrington, Head, Hutchins, Javner, Johansen, Keschl, Kinney, Kryzak, Lockman, Lyford, Martin T, Mason, Millett, Morris, O'Connor, Ordway, Perkins, Pickett, Prescott, Reed, Riley, Rudnicki, Sampson, Skolfield, Stearns, Stetkis, Stewart, Strom, Swallow, Theriault, Wadsworth, White D.

ABSENT - Cuddy, Doore, Grignon, Martin R.

Yes, 91; No, 54; Absent, 4; Excused, 1.

91 having voted in the affirmative and 54 voted in the negative, with 4 being absent and 1 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.