

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Thirtieth Legislature
State of Maine

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beginning April 28, 2021

beginning at Page 385

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

Senator **BRENNER:** Thank you, Mr. President. My understanding of the bill is that the fine doesn't kick in until you have an intentional balloon release of, I believe, 25 balloons.

On motion by Senator **BRENNER** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-137) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Laws Governing Tobacco Specialty Stores"

H.P. 460 L.D. 624

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

Signed:

Senators:

CLAXTON of Androscoggin
BALDACCI of Penobscot

Representatives:

MEYER of Eliot
CRAVEN of Lewiston
MADIGAN of Waterville
PERRY of Calais
STOVER of Boothbay
ZAGER 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" (H-108)**.

Signed:

Senator:

MOORE of Washington

Representatives:

CONNOR of Lewiston
GRIFFIN of Levant
JAVNER of Chester
LEMELIN of Chelsea

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

Reports **READ**.

Senator **CLAXTON** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

On motion by Senator **POULIOT** of Kennebec, 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 Washington, Senator Moore.

Senator **MOORE:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I just kind of wanted to talk just a minute. The definition of a tobacco specialty store is one of a retail business under 2,000 square feet in which at least 60% of the business' gross revenue for the last calendar year was derived from the sale of tobacco or tobacco related products. Part of that, it does get - when they have the high-end cigars, they do have an opportunity to taste them or to try it out because they are very expensive. This bill that came before us was actually modifying the statute to allow the consumption of food and drink that they are licensed for within this tobacco specialty shop, which we understand that that expands it way beyond what was desired for that. The sponsor of the bill, basically, was just asking for the opportunity to drink a bottle of water while they're trying out a cigar, one of the high-end cigars. Just simply water, and there was a couple of places that were actually offered water and they were fined for that. So, the Minority Report on this was just adding - removing the consumption of food and drink and allowing for at least the consumption of water within the premises of the tobacco specialty store. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Majority Ought Not to Pass Report. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#166)

YEAS: Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DESCHAMBAULT, DIAMOND, DILL, LIBBY, LUCHINI, MIRAMANT, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BENNETT, BLACK, CYRWAY, DAVIS, FARRIN, GUERIN, HICKMAN, KEIM, MAXMIN, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

EXCUSED: Senators: LAWRENCE

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CLAXTON** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.