

Action **TAN** Request

Tobacco Action Network, 1875 Eye Street, N.W., Washington, D.C. 20006 800-424-9876

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MEMORANDUM

Approved
DC/kw

TO: State Activities Policy Committee

FROM: Roger L. Mozingo *Roz*

RE: Maine L.D. 276 - "AN ACT to Establish Policies Governing Smoking in Places of Work"

DATE: February 20, 1985

RECEIVED

FEB 21 1985

J.K.W.

LEGISLATIVE HISTORY/BACKGROUND

Representative Merle Nelson of Portland, at the request of the Maine Coalition on Smoking OR Health, has introduced L.D. 276 - "AN ACT to Establish Policies Governing Smoking in Places of Work" (Exhibit A). This is the first workplace measure considered by the Legislature in the State of Maine.

The legislation has been referred to the Joint Human Resources Committee (Exhibit B), formerly the Health Care Committee, and the initial hearing has been scheduled for Wednesday, February 27, 1985. In the past, this committee has been very anti-tobacco. In fact, the Committee has never submitted a negative report on an anti-tobacco piece of legislation to the full legislature.

Following an anticipated favorable report by the Human Resources Committee, the legislation could be reviewed by additional committees of the legislature. Committees with a likely interest in the legislation include the Labor Committee and the Business Legislation Committee. It would not be to the advantage of the tobacco industry to have the legislation before the Business Legislation Committee. That Committee is now headed by Senator Beverly Bustin, an avowed critic of the industry and anti-tobacco advocate.

Representative Nelson and the other co-sponsors of this legislation have supported other anti-tobacco legislation in the past. This is the same legislation that we successfully defeated before the Legislative Council in November and December of 1983. The Legislative Council is made up of the leadership of both parties in both houses of the legislature and may accept or reject non-emergency or fiscal matters for consideration by the full body during the second year of the session. The Coalition had made this legislation its "#1" priority for 1984 until we were successful in keeping it from introduction.

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PLAN OF ACTION

Direct Lobbying

Legislative counsel is in the process of conducting one-on-one meetings with members of the legislative leadership, the members of the Labor Committee, all members of the Senate and House of Representatives, and one of the bill's sponsors to determine legislative strengths and attitudes.

Legislative Support

The traditional allies of the tobacco industry in the State of Maine have been mobilized to express their opposition to the opposed legislation. These allies include the Maine State Grocers Association, the Pine Tree Vending Association, the Maine Restaurant Association, the Maine Innkeepers Association, the Maine Chamber of Commerce and Industry, the Maine Merchants Association, the National Federation of Independent Businesses, and the AFL-CIO. Each of these groups have agreed to testify before all hearings, engage in active one-on-one lobbying with all members of the legislature, and alert their association members or union members as to the impact of this legislation on them and suggest their opposition to it. A public relations and advertising component, utilizing our allies in the business community as spokesmen in opposition to the legislation, is also being considered for implementation in the State of Maine. This program would focus on the effort to alter traditional editorial support for this type of legislation. A voter survey is being considered and an economic survey is in progress as additional component parts of the upcoming legislative hearings.

ACTION REQUESTED

We request your permission for TAN activists in the State of Maine to take the following action:

1. Write immediately to the Co-Chairmen of the Joint Human Resources Committee, with copies to their local representatives. Attached for your information is a copy of the letter (Exhibit C) to TAN activists, including a list of suggested points that they can make in their correspondence (Exhibit D).

If the legislation is approved by the Joint Human Resources Committee:

2. Begin immediately to write letters to the members of the Maine State House of Representatives (Exhibit E). The letter requesting this action would be similar to that in Number 1 above, and the suggested points would be the same.

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3. Participate in a telephone bank effort prior to a vote before the full House of Representatives. This activity will take place after normal business hours.
4. Participate in a "letter-to-the-editor" campaign in selected media markets.
5. Participate with industry allies in a "meet your legislator" program. If necessary, such meetings would occur during normal business hours. However, every effort would be made to conduct them after the business day.
6. Participate in a flyer distribution program to retailers and smokers throughout the state.
7. Participate in a petition drive.
8. If the bill is taken up by other committees of the legislature, participate in a letter writing effort aimed at that specific committee. The committees in question potentially are the Labor and Business Legislation committees.
9. Engage in similar activities with the members of the Maine State Senate (Exhibit F) should the measure pass the House.

We would also appreciate your assistance by identifying those subsidiaries, suppliers, and advertisers with whom you deal in the State of Maine so that you may contact them in order to ensure their early opposition to this anti-business legislation. Particular attention should focus on contacts in the paper industry. This industry is the State of Maine's largest employer.

Legislative counsel and TI counsel Covington and Burling have reviewed the lobbying laws of the State of Maine and have determined that the actions requested in this proposal do not require participants to register as legislative agents/lobbyists.

Please contact Bill Cannell with your approval of the requested action and your recommendations for additional activity.

WSS
Enclosures

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