

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

Volume II

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NAY — Bachrach, Barry, Birt, Cox, Dow, Dutremble, D.; Gould, Gowen, Jacques, E.; Laffin, Locke, Lund, Mahany, Martin, A.; McMahon, Pearson, Tuttle, Vose, Wood, Wyman.

ABSENT — Berry, Churchill, Davis, Elias, Fowlie, Gwadosky, Hobbins, Hughes, Kelleher, Matthews, Morton, Nadeau, Norris, Peltier, Post, Roope, Silsby, Sprowl, Vincent.

Yes, 109; No, 20; Absent, 21.

The SPEAKER: One hundred nine having voted in the affirmative and twenty in the negative, with twenty-one being absent, the motion does prevail.

Sent up for concurrence.

The Chair laid before the House the fourth item of Unfinished Business:

Bill, "An Act to Authorize the Provision of Services to Developmentally Disabled Children" (S. P. 377) (L. D. 1157)

Tabled—May 17 (Till Later Today) by Mrs. Prescott of Hampden.

Pending—Adoption of Committee Amendment "A" (S-163).

Mrs. Prescott of Hampden offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-454) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted and the bill assigned for second reading Monday, May 21.

The Chair laid before the House the fifth item of Unfinished Business.

An Act to Establish a Marijuana Therapeutic Research Program (H. P. 523) (L. D. 665) (C. "A" H-332)

Tabled — May 17 (Till Later Today) by Mr. Brennerman of Portland.

Pending — Passage to be Enacted.

The SPEAKER: The Chair recognizes the gentlewoman from Hampden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: The other day, I raised the issue of concern that I had for the fact that this bill may have a fiscal note. I still have not yet heard from the department on whether or not they can analyze marijuana for the potency and the impurities of the drug. Since I haven't heard from them, I would like to request of the Speaker if he would rule on whether or not this bill needs a fiscal note as it is before us.

The SPEAKER: The Chair has had an opportunity to review this, since it has been in here for a day, the Chair has reviewed it and has also reviewed it with the Legislative Finance Office and there is no fiscal note required on the bill.

The Chair recognizes the gentleman from Sanford, Mr. Wood.

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: I don't know if any of you

heard the news today or have seen it in the paper, but there is a problem in the state obviously with nurses and doctors and the elicited use of drugs by those nurses and doctors. In reading over this bill, there is a section that exempts the proceedings from the right-to-know law. I am just wondering if this could be used to block prosecution of any doctor that used this law in violation of the intent of the law. I think this is a serious question, since the recent news that I have heard this morning about certain doctors and nurses in the state and the problem of elicited drugs.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I would ask you to turn to Committee Amendment "A", Filing H-332, page 3 of that amendment, Section 2408. One of the advantages of sitting next to an astute seatmate is that he from time to time calls my attention to problem areas and this is one of those times. I have been voting for this bill and support it, but I also have a problem with Section 2408, the confidentiality section, and the second sentence of that section says, "Persons acting under this section may not be compelled in any civil, criminal, administrative, legislative or other proceeding to identify practitioners or patients." Now, that in itself is a pretty broad grant of immunity. Then it goes on to say, "except to the extent necessary to permit the commissioner and the board to determine whether the program is being administered under the law." Well, I think the two halves of that sentence are inconsistent with each other, because either you are going to force them to testify or you are not. I think that this should be tabled until Monday so that we might think about it a little bit.

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Leighton.

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I am no legal eagle, but it seems to me that this does nothing but preserve the usual doctor-patient relationship.

I would urge your support of the bill.

On the motion of Mrs. MacBride of Presque Isle, tabled pending passage to be enacted and assigned for Monday, May 21.

Bill Held

An Act to Reimburse Municipalities for Expenses Incurred in Enforcing Statutes, Ordinances and Regulations Relating to the Operation or use of Motor Vehicles, Streets and Highways (S. P. 183) (L. D. 413) (C. "A" S-137) — In House, Passed to be Enacted on May 17, 1979.

Held at the request of Mr. Carroll of Limerick.

On motion of Mr. Carroll of Limerick, the House reconsidered its action whereby the Bill was passed to be enacted.

On motion of the same gentleman, tabled pending passage to be enacted and assigned for Monday, May 21st.

Mrs. Nelson of Portland was granted unanimous consent to address the House.

Mrs. NELSON: Mr. Speaker, Men and Women of the House: Earlier today, you noticed on your calendar that the Committee on Aging, Veterans and Retirement was the first committee to get done with their work before them. I would publicly and on the record like to state my personal thanks to my fine committee who have helped — you can't do it alone. I would like to thank them and also the members of the Senate for their cooperation and help and your help too. Thank you.

(Off Record Remarks)

On motion of Mr. Hall of Sangerville, adjourned until Monday, May 21, at nine-thirty in the morning.