

# MAINE STATE LEGISLATURE

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**Legislative Record**  
**House of Representatives**  
**One Hundred and Thirtieth Legislature**  
**State of Maine**

**Daily Edition**

**First Special Session**

beginning April 28, 2021

beginning at page H-200

WOOD of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-657)** on same Bill.

Signed:

Senator:

FARRIN of Somerset

Representatives:

COREY of Windham

HARRINGTON of Sanford

KINNEY of Knox

**READ.**

On motion of Representative CAIAZZO of Scarborough, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-681)** on Bill "An Act To Ensure Appropriate Oversight of Maine's Medical Marijuana Program" (EMERGENCY)

(H.P. 908) (L.D. 1242)

Signed:

Senators:

FARRIN of Somerset

HICKMAN of Kennebec

Representatives:

COREY of Windham

DOLLOFF of Milton Township

HARRINGTON of Sanford

KINNEY of Knox

SUPICA of Bangor

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senator:

LUCHINI of Hancock

Representatives:

CAIAZZO of Scarborough

McCREIGHT of Harpswell

RIELLY of Westbrook

TUTTLE of Sanford

WOOD of Portland

**READ.**

Representative CAIAZZO of Scarborough moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

Representative KINNEY of Knox **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **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 Bar Harbor, Representative Williams.

Representative **WILLIAMS**: Thank you, Mr. Speaker. I rise in opposition to the Minority Report on LD 1242 and I urge you to vote nay. The report introduced by the Good

Representative from Scarborough is, in fact, the losing Minority Report. 1242 received a Majority Ought to Pass vote by the VLA committee, yet it is the Minority Report that you are voting on here. So, again, please vote nay. A bit of background on 1242. In order to best help my clients, I work with them to create law-abiding, successful small businesses. When the most recent set of rules about OMP rules were drafted and release, OMP held a hearing in March of this year. While some changes were made, some of the most egregious rules remained. In order to figure out what was going on and why the Legislature was not responding to these rules, I went back to read the Administrative Procedures Act and the various medical marijuana Statutes and I was very surprised to find out that in the medical marijuana Statute, there's a statement that says all rules coming out of OMP shall be minor technical rules. That means OMP never has to come to us with any new rules' changes. Unlike, it seems to me, going through Statutes dealing with other agencies, unlike other agencies, they are off the hook. That was the genesis of LD 1242. Some other people might speak about other issues. My main issue is we are a coequal branch of government and no agency should be exempt in all time from having to come before us with at least major rules. This is what I'm looking for, this is what 1242 seeks and I urge you to vote Ought to Pass on that. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Windham, Representative Corey.

Representative **COREY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I rise in opposition to the pending motion. As a Member of the Legislature, I've always believed that we in the bureaucracies within State government should operate and make decisions with the most information possible, especially when a proposed set of routine technical rules can negatively impact many small businesses and patient access to medicine. After serving on the Legislature's Marijuana Legalization Implementation Committee in the 128th Legislature, my biggest takeaway was how tribal the cannabis industry is in how these different groups often have different and competing interests. The Legislature has been put in the position of being arbiter of these rivalries. We make sure the playing field is level. In the very early days of the current Legislature, the Office of Marijuana Policy was engaged in a rulemaking process based on past legislation. Concerns emerged and we saw bills designed to slow the process and better understand the impacts on industry participants and patient access to the medicine they rely on. For me, the biggest question surrounds whether or not Maine's caregivers possess the economy of scale needed to operate a business profitably with the proposed routine technical rules in place. Being able to reasonably identify Maine's cannabis tribes and understanding what their motivations may be, I can see where the battle lines have been formed. On one side, we have caregivers that are relatively small businesses, generally somewhat limited in their growth and could easily be hurt without focused researched and reasonable regulation. On the other side, we have the caregivers that are larger through sharing space and resources along with dispensaries that both built their empires when there were fewer regulations. Now they sit on enough assets and to endure onerous regulation, of course, they are now willing to blow up the bridges behind them and eliminate their competition.

Then there are adult use industry participants. The recreational market is heavily regulated but there is tiering that allows businesses to operate profitably. Look, Maine's caregivers and the patients that access medical marijuana are passionate, they are extremely protective of these small

businesses and patient access to medicine, they are not opposed to rules but believe those rules need to be carefully crafted, evidenced and appropriately flexible for different industry participants based on recognized economy of scale. There is a great deal of fearmongering going on through sell sheets distributed to our desks and in hallway conversations. It's been suggested that taking a serious look at the rules and track and trace system will threaten public safety, which is desperate. I'll tell you what will actually happen. If we do not put thought and care into the acceptance and implementation of these rules, we stand the chance of shuttering hundreds of small Maine cannabis businesses, which could expand the unregulated and illicit market. We could lose our medical cannabis program. I strongly believe that current market participants run honest businesses. I find it sad that the regulators seem to believe that they do not. Caregivers I've spoken with are fine with both regulations and inspections. They have a lot of time, resources and devotion to the patients they serve tied up into their businesses and would not jeopardize that to make a few bucks on the side. There are 3,000-plus caregivers who employ 5,000-plus Mainers. With that, they provide medicine to over 100,000 patients. Given that this regulation has the potential to negatively affect so many Mainers, wouldn't we want to make sure the proposed rules work? As I've said, it's incumbent on us to be fair arbiters, protect Maine businesses big and small, ensure access to medical cannabis for those that need it, act in a manner that allows businesses to flourish, protect Maine's people and make our decisions based on research and evidence. Please oppose the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from York, Representative Hymanson.

Representative **HYMANSON**: Thank you, Mr. Speaker, Men and Women of the House. This has been a long and difficult journey and my part of it has been as chair of Health and Human Services when this bill came into effect in 2018. So, I followed this along because we respected the stakeholder process during the time that the law was written and included every stakeholder who is now out in the hallway to make the law happen. What we did during that time and the law, was to expand the business of the caregivers and what we talked about was drawing a corral around the business and opening up the inside so that there were regulations on the outside and a bigger business on the inside, so, caregivers now have storefronts and can work with people, can share information, can share their product and all in an effort to make what they do better. That was the expectation. Along with that building the business part was the expectation that there would be regulations. And some of those regulations was the track and trace. So, if you look at this bill and we are voting on a bill that has a few different parts to it, so, I want to really focus on that, the bill itself. The bill has five different parts and when you vote on a bill that has five different parts, there may or may not be things that you like about it. There are a few parts of this bill that I cannot support. The major one is that it eliminates the track and tracing for regulated caregivers, dispensaries, testing and manufacturers. The track and trace costs about \$40 a month and with the tags, which are 25 cents, what one does when they're growing a plant is to when the plant starts to grow, the tag goes on and then it's monitored with a tracking system which scans into a system called METRC, which you might have heard of, that the name METRC has been, you know, people have talked about that, the dispensers, but it really is the State's system. And when that plant grows up, you know where it came from and where it went.

Why is that important? Because in the end, whatever you think about cannabis and its ability to be legal in Maine, it is still a federally illegal substance and so we have to be careful with it. Also, if you don't track and trace it, it can go into the illegal market and can be just dispersed where it is and we collect taxes on the product. And so, if you don't track and trace it, you've no idea where the revenue comes from and how we can tax the revenue. Whatever you think of that, that would go away without track and trace.

So, this bill eliminates track and trace. It also eliminates an annual audit. So, it was supposed to be a third-party annual audit and whatever you think about an annual audit for businesses that bring in revenue to the State, that this bill eliminates that. It also routine technical rules; they can be slowed down and we are watching that process right now. Whereas major technical rules cannot be slowed down, cannot be sped up, they're very slow, we have worked with them before, I think everyone here has worked with that. So, the routine technical process can be slowed down. There are many different ways that can happen, you're witnessing one of them and I think that's working well because now we're discussing them. So, I'm going to be voting, for this particular bill, I will be voting to support the Ought Not to Pass motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Corey.

Representative **COREY**: Thank you, Mr. Speaker. Last time I rise, for sure.

This bill does not eliminate the track and trace system. What the bill does and it's in part C of the committee amendment, it's using existing resources we need to conduct a study evaluating the economic effects of any new rules on proposed changes to existing rules that may have, including but not limited to, the effects of implementing a statewide electronic portal on caregiver businesses of all sizes and how such rules could affect the access to patients to medical or marijuana for medical use. So, it doesn't not eliminate; nowhere in the summary does this eliminate the track and trace system. It puts a hold on it and it makes us look at that as a Legislature, but it does not eliminate a track and trace system. Number two, the third-party annual audit that this supposedly, you know, gets rid of, nobody can actually define what this is. We've had the Office of Marijuana Policy in front of our committee. This is actually in several bills and we just happened to have it in this bill. Nobody actually says what this third-party audit looks like, how it's supposed to be conducted, so why would we have it? Anyways, thank you, Mr. Speaker.

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

**ROLL CALL NO. 330**

YEA - Alley, Arata, Babbidge, Brennan, Bryant, Caiazzo, Cardone, Carmichael, Cloutier, Craven, Crockett, Evans, Fay, Hymanson, Martin J, Martin T, McCreight, Newman, Pierce, Rielly, Tepler, Tucker, Tuttle, Wood, Mr. Speaker.

NAY - Andrews, Arford, Austin, Bailey, Bell, Bernard, Berry, Bickford, Blier, Blume, Bradstreet, Brooks, Carlow, Collamore, Collings, Connor, Copeland, Corey, Costain, Crafts, Cuddy, Dillingham, Dodge, Dolloff, Doore, Doudera, Downes, Drinkwater, Ducharme, Dunphy, Evangelos, Faulkingham, Fecteau, Foster, Geiger, Gere, Gifford, Gramlich, Greenwood, Griffin, Grohoski, Haggan, Hall, Harnett, Harrington, Hasenfus, Head, Hepler, Hutchins, Johansen, Kessler, Kinney, Kryzak, Landry, Lemelin, Libby, Lookner, Lyford, Lyman, Madigan,

Martin, Mason, Mathieson, Matlack, McCrea, McDonald, Melaragno, Millett H, Millett R, Morales, Moriarty, Morris, Nadeau, O'Connell, O'Connor, O'Neil, Ordway, Osher, Parry, Paulhus, Pebworth, Perkins, Perry A, Perry J, Pickett, Pluecker, Poirier, Quint, Reckitt, Riseman, Roberts, Roeder, Rudnicki, Sachs, Salisbury, Sheehan, Skolfield, Stanley, Stearns, Stetkis, Stover, Supica, Sylvester, Talbot Ross, Terry, Theriault, Thorne, Tuell, Underwood, Wadsworth, Warren C, Warren S, White B, White D, Williams, Zager, Zeigler.

ABSENT - Cebra, Grignon, Hanley, Javner, Meyer, Prescott, Roche, Sampson, Sharpe.

Yes, 25; No, 117; Absent, 9; Excused, 0.

25 having voted in the affirmative and 117 voted in the negative, with 9 being absent, and accordingly the Minority **Ought Not to Pass** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative CAIAZZO of Scarborough, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-681)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-681)** and sent for concurrence.

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Seven Members of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-665)** on Bill "An Act To Make Comprehensive Substance Use Disorder Treatment Available to Maine's Incarcerated Population"

(H.P. 490) (L.D. 663)

Signed:

Senator:

LAWRENCE of York

Representatives:

WARREN of Hallowell  
LOOKNER of Portland  
MORALES of South Portland  
PLUECKER of Warren  
RECKITT of South Portland  
SHARPE of Durham

Five Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-666)** on same Bill.

Signed:

Senators:

DESCHAMBAULT of York  
CYRWAY of Kennebec

Representatives:

COSTAIN of Plymouth  
NEWMAN of Belgrade  
PICKETT of Dixfield

One Member of the same Committee reports in Report "C" **Ought Not to Pass** on same Bill.

Signed:

Representative:

RUDNICKI of Fairfield

## READ.

Representative WARREN of Hallowell moved that the House **ACCEPT** Report "A" **Ought to Pass as Amended**.

Representative PICKETT of Dixfield **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass as Amended**.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of Report "A" Ought to Pass as Amended. All those in favor will vote yes, those opposed will vote no.

## ROLL CALL NO. 331

YEA - Alley, Andrews, Arford, Babbidge, Bailey, Bell, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Corey, Crafts, Craven, Crockett, Cuddy, Dodge, Doore, Doudera, Dunphy, Evangelos, Evans, Fay, Fecteau, Geiger, Gere, Gramlich, Grohoski, Haggan, Harnett, Harrington, Hasenfus, Hepler, Hymanson, Kessler, Landry, Libby, Lookner, Madigan, Martin J, Martin R, Martin T, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, O'Connell, O'Neil, Ordway, Osher, Paulhus, Pebworth, Perry A, Perry J, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sheehan, Skolfield, Stover, Supica, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Tuttle, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Arata, Austin, Bernard, Bickford, Blier, Bradstreet, Carlow, Carmichael, Collamore, Connor, Costain, Dillingham, Dolloff, Downes, Drinkwater, Ducharme, Faulkingham, Foster, Greenwood, Griffin, Hall, Head, Hutchins, Kinney, Kryzak, Lemelin, Lyford, Lyman, Mason, Millett, Morris, Nadeau, Newman, O'Connor, Parry, Perkins, Pickett, Poirier, Quint, Rudnicki, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Cebra, Gifford, Grignon, Hanley, Javner, Johansen, Prescott, Roche, Sampson, Sharpe.

Yes, 92; No, 49; Absent, 10; Excused, 0.

92 having voted in the affirmative and 49 voted in the negative, with 10 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-665)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-665)** and sent for concurrence.

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

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