

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fifteenth Legislature

OF THE

State Of Maine

VOLUME VII

SECOND REGULAR SESSION

Senate

March 10, 1992 to March 31, 1992

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HOUSE AND SENATE LEGISLATIVE SENTIMENTS

December 5, 1990 to December 1, 1992

agree that in these very difficult times for the average Maine citizen, direct services must take top priority. The Joint Standing Committee on State and Local Government did that with input from the Executive Branch, other Joint Standing Committees, service providers and citizens. We had no preconceived ideas or any hidden agenda except those goals previously stated. There were no political motivations, only straightforward deliberations and frank discussions of the issues.

I ask for your reconsideration, not for me or for you, but for the benefit of the potential of the political process for good government and for those who look to you and to us with trust for assistance and sincere consideration. If you wish to discuss these issues or areas that may be modified, please contact me. I am at your service. Sincerely, Ruth Joseph."

This letter was written in an attempt to not throw out the good work of the State and Local Government Committee, not to throw out the good work of the Restructuring Commission and this is a bill, above all, that is extremely important to how contracting of state services will be done in the future.

I believe that this legislature has had a bad rap, again taking the blame because of the acts of the Chief Executive. In two editorials, it says on September 23rd "that the 115th Legislature couldn't agree on governmental reform or how to set new priorities. You can give them direction." In another one, it says "that the legislature blew off a major recommendation of a special commission it created to conduct the first comprehensive review of Maine state government in 20 years." I suggest to each of you that the Maine Legislature passed these bills in good faith, that they would meet the criteria and the goals of the Restructuring Commission.

I urge you to support L.D. 2345 because it is reasonable and it is responsible.

After reconsideration, the House proceeded to vote on the question "Shall this Bill become a law notwithstanding the objections of the Governor?" Pursuant to the Constitution, a two-thirds vote of the members present and voting being necessary, a roll call was taken.

ROLL CALL NO. 489V

YEA - Adams, Aliberti, Anthony, Ault, Bell, Boutilier, Cahill, M.; Carroll, D.; Cathcart, Chonko, Clark, H.; Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Erwin, Farnsworth, Gean, Goodridge, Graham, Gurney, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hoglund, Holt, Hussey, Joseph, Kerr, Ketterer, Kilkelly, Kontos, Larrivee, Lawrence, Lemke, Lerman, Luther, Macomber, Mahany, Manning, Martin, H.; McHenry, McKeen, Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Norton, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Pendleton, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Skoglund, Stevens, P.; Strout, Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Waterman, Wentworth, The Speaker.

NAY - Aikman, Anderson, Bailey, H.; Bailey, R.; Barth, Bennett, Bowers, Butland, Carleton, Carroll, J.; Coles, Donnelly, Duplessis, Farnum, Farren, Foss,

Garland, Gould, R. A.; Hanley, Hastings, Heino, Hichens, Kutasi, Lebowitz, Libby, Lipman, Look, Lord, MacBride, Marsano, Merrill, Murphy, Nash, Ott, Parent, Pendexter, Pines, Reed, G.; Reed, W.; Richards, Savage, Small, Spear, Stevens, A.; Stevenson, Tupper, Vigue, Whitcomb.

ABSENT - Cashman, Clark, M.; Constantine, Dutremble, L.; Gray, Greenlaw, Hepburn, Jacques, Jalbert, Marsh, Nutting, Paul, Salisbury.

Yes, 89; No, 48; Absent, 13; Vacant, 1; Paired, 0; Excused, 0.

89 having voted in the affirmative and 48 in the negative with 13 being absent and 1 vacant, the Governor's veto was sustained.

The following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

October 3, 1992

To The Honorable Members of the 115th Legislature:

I am returning, without my signature or approval, H.P. 1729, L.D. 2420, "AN ACT to Legalize Marijuana for Medicinal Purposes."

I take this step because of my concern that the provisions of this bill are excessively broad. While I am sympathetic to the needs of those who suffer from glaucoma or from the side effects of chemotherapy or radiation therapy, I believe that L.D. 2420 as presently drafted unnecessarily weakens our efforts to control the cultivation and trafficking of marijuana.

Specifically, L.D. 2420 legalizes the cultivation, possession, and use of marijuana by individuals who have been diagnosed with glaucoma or who suffer from significant nausea or vomiting as a result of chemotherapy or radiation therapy. These provisions apply both to adults and juveniles.

I note that L.D. 2420 established a "Marijuana Therapeutic Research Program" similar in effect to P.L. 1979, 457, which sunsetted in 1981, and to P.L. 1983, 423, which was repealed on December 31, 1987. The history of this piece of the legislation suggests that it is no more likely to find success the third time around than it did in its two previous efforts. Still, the "Marijuana Therapeutic Research Program" at least contains provisions requiring a physician's prescription for the use of marijuana. I am concerned that no such requirement appears in the main body of the bill.

Regardless, I will encourage the members of the 116th Legislature to revisit this issue in an effort to accomplish the laudable intent of this bill in a more responsible form.

For all of these reasons, I hope you will support my objections to L.D. 2420.

Thank you for your consideration.

Sincerely,

S/John R. McKernan, Jr.
Governor

Was read and ordered placed on file.

The accompanying Bill "An Act to Legalize Marijuana for Medicinal Purposes" (H.P. 1729) (L.D. 2420).

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Manning.

Representative MANNING: Mr. Speaker, Men and Women of the House: Just to remind this House that this bill came out of Human Resources -- we spent an awful lot of time with this particular piece of legislation trying to address as many of the concerns that people had. We worked well into the evening with both the Representative from Belfast and myself and the Representative from Washington County, Representative Bailey.

This bill basically deals only for those individuals who have glaucoma or who are dealing with chemotherapy. I hope that we don't have to go into a large debate because we went into a large debate back then and I think most of us know how we are going to be voting.

I would just like to speak about the last part of the Governor's message, which says "that I will encourage the members of the 116th Legislature to review this issue in an effort to accomplish the laudable intent of this bill in a more responsive form."

Although I won't be here, I will be watching with great interest, hoping that the Governor will perhaps put his own bill in, work with the sponsors of this past year and work with other people who testified in our committee. It was testimony that I think many of my committee would agree was probably one of the toughest bills we had to deal with because it brought tears to their eyes when they talked about their loved ones spending the last few months of their lives because of the chemotherapy. If we can try to do something for these individuals, I think it would be best for them.

I would hope that the Governor and his staff would sit down with Representatives from this body to draft something that he feels comfortable with. Quite frankly, I understand a little of what he is talking about. Since we have last met, we have had people on Donahue coming out of the infamous Stark, Maine and I don't think there is anybody in this body who wants to see the State of Maine known as the marijuana capitol of the world. I also don't think there is anybody in this body who wants to see a loved one suffer the way we all know people do. So, I would hope that if we don't override the Governor's veto that the Governor himself will step forward, present something that he feels comfortable with and, hopefully, the 116th Legislature can address this problem and that everybody in the 116th would feel comfortable with it.

The SPEAKER: The Chair recognizes the Representative from Township 27, Representative Bailey.

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: This bill, as far as I am concerned, may have good intentions but I have talked with eye doctors around the state and they claim that marijuana as a glaucoma medication is obsolete at

this point. There are much more effective medications that can be used in the treatment of glaucoma. However, as far as the treatment for chemotherapy to reduce nausea, there is no question that marijuana does have an impact, does have an effect.

The federal government has developed a THC medication that can be sold and is sold in drugstores for that purpose. I understand that the cost is fairly expensive for that medication. I would prefer that the state provide resources to patients so they can afford that medication rather than to implement this legislation here.

This legislation would allow juveniles to grow, to possess, and our good Representative from Portland, Representative Manning, said that it would bring tears to your eyes to listen to some of the testimony. I wish Representative Manning could have been in my shoes for the last 9 years of my State Police career and listened to some of the stories that some of these families go through in all other drug-related instances, including marijuana. Drugs are a menace to this society and I think this piece of legislation here opens the door to invite the marijuana groups to cultivate marijuana and to use this piece of legislation to enhance that production.

I would urge this body to sustain the Governor's veto.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Manning.

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to remind Representative Bailey that I have spent 11 years dealing with dual diagnosis and I understand quite well what he is talking about. I have had to deal with it as a Committee Chair and prior to that for 12 years. It isn't something that I do lightly when I talk about this.

I would hope that the good gentleman, if he does get reelected, would put a bill in if he feels that strongly about it that would allow those people who can't get marijuana, who can get the legal drug, be able to get some money and deal with that.

It is one thing to say one thing but it is another thing to do it.

After reconsideration, the House proceeded to vote on the question "Shall this Bill become a law notwithstanding the objections of the Governor?" Pursuant to the Constitution, a two-thirds vote of the members present and voting being necessary, a roll call was taken.

ROLL CALL NO. 490V

YEA - Adams, Aliberti, Anthony, Bell, Cahill, M.; Carroll, D.; Cathcart, Coles, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Erwin, Farnsworth, Gean, Goodridge, Graham, Gray, Gurney, Gwadosky, Hale, Handy, Heeschen, Hoglund, Holt, Joseph, Kerr, Ketterer, Kilkelly, Kontos, Larrivee, Lerman, Luther, Mahany, Manning, Martin, H.; McKeen, Melendy, Michael, Mitchell, E.; Mitchell, J.; Nadeau, O'Dea, Oliver, Pfeiffer, Pineau, Plourde, Poulin, Powers, Rand, Richardson, Rotondi, Ruhlin, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Skoglund, Stevens, P.; Swaze, Townsend, Tracy, Treat, Wentworth.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Boutilier, Bowers, Butland, Carleton, Carroll, J.; Chonko, Clark, H.; Donnelly, Duplessis, Farnum, Farren, Foss, Garland, Gould, R.