

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

One Hundred And Seventeenth Legislature

OF THE

State Of Maine

VOLUME I

FIRST REGULAR SESSION

House of Representatives

December 7, 1994 to May 23, 1995

seat belt and helmet laws. There is a difference here. An adult not wearing a seat belt or helmet can only hurt themselves. If you are hunting and accidentally shoot someone, not only is the person who has been hurt suffer an injury, but the person who pulled the trigger is also affected.

If you accidentally shoot someone, you not only have to live with that for the rest of your life, but you can also look forward to hefty fines and as the Representative from Waterville stated, you are also looking at losing your license for five years. Since the introduction of blaze orange in 1973 for big game hunting, the amount of incidents have steadily dropped. Since in 1973, we have seen a reduction of 75 percent during the deer season. Bird hunting during the same period has increased. Over the past five years, more than half of the incidents could have been avoided if the hunter had been wearing blaze orange that could be better seen.

Over the past several years, the Safety Division of the Department of Inland Fisheries and Wildlife through education and safety measures have done a fantastic job making hunting one of Maine's safest sports. This legislation is the next logical step in reducing these numbers even further. I ask you, ladies and gentlemen of the House, to vote yes on this pending motion.

Representative PERKINS of Penobscot requested a roll call on the motion to accept the Majority "Ought to Pass" as amended Report.

ROLL CALL NO. 106

YEA - Benedikt, Berry, Bouffard, Brennan, Cameron, Carleton, Chartrand, Chase, Chick, Cloutier, Daggett, Desmond, DiPietro, Dore, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gerry, Green, Hatch, Heeschen, Hitchborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kerr, Kontos, LaFountain, Lemaire, Luther, Marvin, Mayo, McAlevey, Mitchell EH; Mitchell JE; Murphy, Nadeau, O'Gara, O'Neal, Pouliot, Reed, G.; Richardson, Ricker, Rosebush, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Simoneau, Sirois, Stevens, Stone, Townsend, Treat, Tripp, Tyler, Underwood, Vigue, Volenik, Watson, Winn, The Speaker.

NAY - Ahearne, Aikman, Ault, Bailey, Barth, Bigl, Birney, Buck, Bunker, Campbell, Chizmar, Clark, Clukey, Cross, Damren, Davidson, Donnelly, Driscoll, Dunn, Gates, Gooley, Gould, Greenlaw, Heino, Jones, S.; Joy, Joyner, Kneeland, Labrecque, Layton, Libby JD; Libby JL; Look, Lumbr, Madore, Marshall, Martin, McElroy, Morrison, Nass, Nickerson, Ott, Pendleton, Perkins, Pinkham, Poirier, Poulin, Povich, Reed, W.; Rice, Robichaud, Savage, Spear, Stedman, Strout, Taylor, Thompson, True, Tufts, Tuttle, Waterhouse, Wheeler, Winglass, Winsor.

ABSENT - Adams, Dexter, Gieringer, Guerrette, Hartnett, Joyce, Kilkelly, Lane, Lemke, Lemont, Lindahl, Lovett, Meres, Paul, Peavey, Plowman, Rotondi, Truman, Whitcomb, Yackobitz.

Yes, 67; No, 64; Absent, 20; Excused, 0.

67 having voted in the affirmative and 64 voted in the negative, with 20 being absent, the Majority "Ought to Pass" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-264) was read by the Clerk and adopted. The Bill was assigned for second reading Wednesday, May 24, 1995.

House Divided Report - Committee on Human Resources - (8) Members "Ought to Pass" as amended by Committee Amendment "A" (H-268) - (5) Members "Ought Not to Pass" on Bill "An Act to Legalize the Use of Marijuana for Medical Purposes" (H.P. 678) (L.D. 929) which was tabled by Representative FITZPATRICK of Durham pending his motion to accept the Majority "Ought to Pass" as amended Report.

The SPEAKER: The Chair recognizes the Representative from Durham, Representative Fitzpatrick.

Representative FITZPATRICK: Thank you Mr. Speaker. I rise to ask your support for the Majority "Ought to Pass" Report as amended on L.D. 929.

L.D. 929 is a very narrow bill. Let me repeat that. It is not a pro-marijuana bill. It was a bill that was worked for quite a while in our committee. It is really the culmination of breaking down the three bills we had to look at. Again, it is a very narrow bill that allows for an affirmative defense, which allows the treating physician to confirm to the prosecutor that a person was experiencing anorexia, nausea and vomiting as a result of chemotherapy or radiation treatment for the treatment of cancer or HIV. Again, it is a very narrow bill that looks to bring some relief to people who are suffering from either cancer or HIV who have significant side effects. This affirmative defense can only be used if specific requirements are met.

This bill will sunset on July 1, 1997, by request of the Attorney General's Office. I will also say that this bill was crafted with significant involvement of the Attorney General's Office and the medical community. Again, this is not a pro-marijuana bill. In fact, other members of the Human Resources Committee will confirm this, that the marijuana lobby or the folks that want to grow marijuana in the back yard stormed out of our work session yelling very loudly at the committee. It made for an interesting work session.

Again, this was worked by the committee, word by word with the Attorney General's Office. It is intended only to give relief to some seriously ill Maine citizens. Again, I ask for your support for the Majority "Ought to Pass" Report as amended. Thank you.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative WINGLASS.

Representative WINGLASS: Mr. Speaker, Ladies and Gentlemen of the House: I will confirm that I was present when the incident that the distinguished Representative from Durham describes. It really was quite unsettling. But nonetheless, the situation we confront here is my standing to request your consideration of a vote against this "Ought to Pass" motion. I think the compelling evidence that we heard in this committee drew our attention to the fact that this particular drug, if that is what one would refer to it as, in fact, does provide some additional relief for those enduring AIDS and cancer, particularly from the stand point of nausea and vomiting.

Marijuana is a quick fix to those kinds of problems and the evidence was overwhelming and compelling even for me. If that were, in fact, the situation, if we were licensing pharmacists or physicians to, in fact, provide marijuana in altered form to cancer and AIDS patients, I would be standing in line to support it. Regrettably, that is not the case, because what we have on our hands here is

marijuana, which is listed as a schedule 1 federal drug, which means, in fact, it cannot be prescribed nor dispensed by pharmacists here in our state or anyplace else in the nation.

Therefore, the medical communities hands are tied and the bill really serves not useful, as I can see, medical or health purpose. I think there is one other thing you have to keep in mind and that is the danger of a misrepresentation. Once again, as the distinguished Durham lawmaker has pointed out, this is a narrowly focused bill, but it may not be interpreted that way by those who read the post-action reporting on what we do here tonight.

Instead, I think there is at least a fear on my part that the public might, in fact, detect a legislative willingness to, in fact, open the door for general acceptance of marijuana. I know that is not what is conveyed in the bills content and it is not what any of us on the committee intend that I am aware of. Nonetheless, I think it is a risk and so I, therefore, rise in opposition to motion as advanced. Thank you for your attention.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Libby.

Representative LIBBY: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative LIBBY: If marijuana is illegal, how are they going to get a hold of it to treat for medical services?

The SPEAKER: The Representative from Kennebunk, Representative Libby has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Orono, Representative Stevens.

Representative STEVENS: Mr. Speaker, Men and Women of the House: This bill does not legalize marijuana. I am the sponsor of this bill. I inherited it from former Representative Anne Larrivee who we all know experienced great tragedy in her family, because of the course that cancer treatment took on her daughter and I believe her husband while her daughter was pregnant.

This bill, unlike others, that have passed through this body does not legalize marijuana. It does not allow for the growing of marijuana, the prescription of marijuana or really the possession of marijuana. What it does is if someone is arrested, booked and tried for possession of an ounce and a quarter or less, which right now is a civil infraction, not a criminal offense, in the event they are certifiably ill, with cancer or AIDS, this bill gives a judge certain room to interpret the language that would allow for a pardon of a person if certifiably ill with and ounce and a quarter or less of marijuana.

It is called affirmative defense, because the federal government has marijuana scheduled as schedule 1, which is entirely illegal. This does not make marijuana legal. It strictly changes the interpretation that a judge may offer, in the event that an ill person is apprehended with an ounce and a quarter or less. No marijuana will be prescribed. None will be tolerated. None will be overlooked. It simply, in the event of an arrest of an ill person, allows room for a judge to behave in a certain way that would not, probably be seen in the event that the person were not ill with cancer or AIDS.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Carleton.

Representative CARLETON: Thank you Mr. Speaker. I remember in previous Legislatures that we have had problems with marijuana bills and in just reading this bill now, I see that a person is not subject to forfeiture if marijuana is prescribed by someone licensed by the Board of Licensure in Medicine and the person has certain physical conditions or AIDS. Just thinking about this bill, it seems to me that one could have said that if a person is licensed by the Board of Licensure of Medicine and prescribes marijuana for the particular medical condition which is also mentioned here, that this language would be tighter.

In other words, the bill does not say that the marijuana must be prescribed for medicinal purposes or the medical purposes for which one presumes that it is going to be used. We had a problem like this last time. I would like to hear from somebody why the language did not connect the prescription with the medical condition?

The SPEAKER: The Representative from Wells, Representative Carleton has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Durham, Representative Fitzpatrick.

Representative FITZPATRICK: Thank you Mr. Speaker. In response to the question, this is something the committee looked at and took a fair amount of testimony from the medical association as well as receiving information from other individual physicians and we simply came down to the issue that marijuana is classified by the federal government as a class 1 drug. The Maine State Legislature could not grant the ability to prescribe a class 1 drug, they would simply lose their license, their DEA license.

That was the quandary we had. No one on the committee was particularly comfortable with the notion of people acquiring marijuana illegally and that is why you see the affirmative defense. We are all of us taken, no matter what side we came down on this issue with the testimony of the people who were very seriously ill and suffering significant side effects and devastating side effects from their illnesses and for whom marijuana seemed the drug that worked the best. Again, we had medical testimony that indicated that marijuana is very fast acting, given the alternatives available.

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

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: I rise today in opposition to this piece of legislation. I provided information before the committee that the Food and Drug Administration does have a program available so that if you, as a patient, go to your doctor and he feels that marijuana would be the best medical treatment for you, he can sign up under a program under the Food and Drug Administration, which is an experimental program and it has been declining over the years, as a matter a fact, the state of Maine was part of an experimental program a few years ago. It just wasn't utilized and was abolished. The program still exists. If your doctor feels that marijuana would be a benefit to you as a treatment, he has that as a course of action and he can do that today.

Marijuana is grown under controlled situations at the University of Mississippi and the actual marijuana is delivered to the doctor and the doctor

gives it to the patient under the direction of the DEA. This bill here requires that the person go out and break the law in buying it. They are requiring that somebody else break the law to provide the marijuana to this person. I think this is a bad piece of legislation and I would urge you encourage the patients that need marijuana for medicinal purposes to have that doctor sign up under the special program that is available today and not straddle the courts with a situation like this. Thank you.

The SPEAKER: The Chair recognizes the Representative from Durham, Representative Fitzpatrick.

Representative FITZPATRICK: Thank you Mr. Speaker. In response to the availability of a federal program is something that the committee also looked into and it was a sense that the chairs of the committee and other members of the committee, as well as our conversations with the Attorney General's Office that this program was either virtually non-accessible or simply didn't exist anymore. Frankly, if this program was something readily available to the people who came before our committee, we would have opted for it. Again, we had no interest in, frankly, helping people break the law. Increasing the availability of marijuana or anything of the sort, so the reality is this is a very small bill that will help a very small number of people with AIDS and cancer get some relief and that is all it is.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Clukey.

Representative CLUKEY: Thank you Mr. Speaker. May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative CLUKEY: My question has to do with highway safety. I would ask if we passed this bill, what is going to prevent an individual who has AIDS or cancer from using this drug and then going out and driving a motor vehicle, thereby, complicating the highway safety problem that we have already with alcohol and other drugs. Is there anything in the bill that would prevent a person from operating a motor vehicle after using it?

The SPEAKER: The Representative from Houlton, Representative Clukey has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Durham, Representative Fitzpatrick.

Representative FITZPATRICK: Thank you Mr. Speaker. In response to that question, what we heard was there are other medications that don't work as well that people take to try to take care of the side effects from chemotherapy or from other medications used to treat AIDS. These medications also have side effects that would probably preclude you from operating a motor vehicle. They simply don't work as well as marijuana does. Whatever the medication whether it is marijuana or whatever you can get by prescription, you certainly shouldn't drive a motor vehicle. I think what we are talking about is substituting one drug for another. Again, we are not encouraging people to drive under the influence of anything.

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative Farnum.

Representative FARNUM: Mr. Speaker, Men and Women of the House: I call this bill just a toe hole into the tent. About four years ago in the Audit Committee, we had a marijuana bill presented to us. People came in to testify and one fellow had been caught with 24 plants in his home. When asked why he had 24 plants in his home. He said, "for medical purposes only." He had 24 plants worth \$3,000 dollars a piece. Enough marijuana to give everyone in the state of Maine medical attention.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: Again, this bill is very limited. This does not allow growing of marijuana. It does not allow prescriptions of marijuana. All we could do under federal was to allow for affirmative defense if someone has written notice from a doctor that they have AIDS or cancer. This is very, very limited and no one is going to be growing 24 plants without getting arrested.

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

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to confirm that I did personally talk to folks in Washington from the Food and Drug Administration, that program still exists and is in use today. It has been declining and it is down around 40 programs. The program does exist. Again, I would say that these cancer patients or HIV patients are going to be out there buying from a person and could be putting themselves in a position of testifying against that person that they are buying from causing to the stress. Boy, I'll tell you, if there is a program available, lets use it. When that program isn't available, then we should start looking for another solution. Until then, I would encourage you to vote no on this.

The SPEAKER: The Chair recognizes the Representative from Durham, Representative Fitzpatrick. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative FITZPATRICK: Thank you Mr. Speaker. Let me just close in saying this is no wild eyed bill. This is a very simple bill that was drafter, again, word by word with the Attorney General's Office, so we weren't opening doors. We are simply bringing some relief to some desperately ill people. End of story. Thank you.

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative JOY: Thank you Mr. Speaker. I request when the vote is taken it be taken by the yeas and nays. I would like to add that it is illegal to grow it. It is illegal to buy it. Here we are creating a whole system of things that are going to make people do illegal acts. I think this is barking up the wrong tree. I hope you will oppose this motion. Thank you.

Representative JOY of Crystal requested a roll call on the motion to accept the Majority "Ought to Pass" as amended Report.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Men and Women of the House: I would like to put a face on this

issue. We have already heard reference to a former member of this body. Twenty years ago my husband's brother died and he was 45 years old. It seemed a year ago, his daughter, age 40, has breast cancer. His daughter is being treated at Dana Farber and their daughter is having chemotherapy. There seems to be no medication for her. The breast cancer is very serious and she has had to resort to taking marijuana. You are asking her to break the law, because here she is in Maine and far away from Dana Farber and the people who are treating her. Trying to take care of her three children and trying to survive.

I have two children who are pharmacists. We have talked about this issue over and over again. They have mentioned their past association with the Food and Drug Program, but don't see doctors getting themselves involved or sending them prescriptions that would give them either the marijuana or the marijuana substitutes. Other prescription drugs are just as lethal on the highway. I can assure you that members of my family who I know had serious cancer and some had died would not be able after chemotherapy to drive a car. They are hardly able to leave their sofa or their bed. They are hardly able to care for themselves and this is when you say thank you hospice and home health care.

I ask you to put a face to this issue. We are not legalizing marijuana. We are asking very ill people to break the law under today's circumstances. With this legislation, if they can access from almost any Junior High School child, a little marijuana or wherever they may find it, they will get it. I am sorry, but you have heard the legal definition of affirmative action and you have also heard that if it is less than an ounce and a quarter, which I can assure you it must be, that, in fact, they will not have to pay the same kind of penalties as those people buying and selling and using.

I ask you to think of those persons, maybe in your family sometime and I am sorry that it is my family. Thank you.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Cloutier.

Representative CLOUTIER: Mr. Speaker, Ladies and Gentlemen of the House: Back in 1978 a bill was passed and it was passed for a former member of ours. A very good friend of all of ours. Many of you probably remember his name. He wanted to kill this bill and for good reasons at that time, he thought. He wanted to kill the bill because the word marijuana scare him. I have a very close brother who sells pharmaceutical sales and he distributed drugs all over the world. He says simply that there are a lot more prescription drugs on the market that are a lot more dangerous than this particular drug.

I have to tell you a little bit about our friend who defiled this bill. Who wanted this bill killed, until he came down with cancer. That good friend of all of us, ladies and gentlemen, was Louie Jalbert. I used to take Louie back and forth to Lewiston, because he was too sick to drive. He used to tell me after wanting to kill this bill, he once experienced this particular drug and he worried about the law. He worried about getting caught, but he thought it was the best thing for him. He came back and stood up in the corner of the House and he said that this is the best thing for me. He kept on repeating that when I took him back to Lewiston.

We have another former member, the Honorable Anne Larrivee, whose family had to make a decision who was going to get caught doing this for our dad. Which one is going to go down to the police station to be locked up? You have two reputable people who have gone through this and have advocated it. For a drug that is not halfway as harmful as many of the prescription drugs that are out there on the market.

Lets put ourselves in a former colleagues shoes, not put our families in jeopardy of having to be locked up. Lets let them make a free decision. We could be in their shoes at one time. Maybe we will be there someday. I ask you to please accept the Majority "Ought to Pass" Report.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative McAlevey.

Representative McALEVEY: Mr. Speaker, Ladies and Gentlemen of the House: I can appreciate all the things that have been said in regards to this issue, especially in regards to people that are very ill. Make no mistake that the business of growing marijuana, the business of selling marijuana and trafficking marijuana is a dirty business. People make millions of dollars in this state doing this. The marijuana crop in Maine is transported to places in Massachusetts that we probably don't want to live in. That is converted into cocaine and that is brought back to this state.

When I started my law enforcement career, if you stopped someone with a pound of marijuana in the trunk and that marijuana is worth \$300 dollars and they put their hands up in the air and say, "Hey man, you got me. Take me to jail." Fifteen years later you stopped someone with a pound of marijuana it would be worth \$3,000 dollars and they would kill you for it. If we want to allow very sick individuals to use marijuana, then lets legalize it. Lets do that and then enact this legislation. Lets not put the cart before the horse.

Earlier this year this body unanimously enacted a law that I sponsored dealing with the .02 law. I am grateful for that. I am grateful to you for that. We enacted dropping the .02 out of the juvenile law, because it created a presumption that children thought they could have alcohol. I am afraid this law would create a presumption also. It is that first presumption down that road. If we want to legalize marijuana, lets rise our hands or push the buttons and legalize it then we can use it for medical purposes, but lets not just do it in the opposite direction. Thank you for listening.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Gerry.

Representative GERRY: Thank you Mr. Speaker. After listening to all the discussion, I rise in opposition of this bill. My dad died of cancer and it was suggested that he could use this. He decided against using it because of it not being a legalized drug. I agree with what I have heard and if we really want to help the people then we should craft a

bill to make it legal for the druggists to prescribe it and issue it. Please vote against this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Durham, Representative Fitzpatrick. Having spoken three times now requests unanimous consent to address the House a fourth time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative FITZPATRICK: Thank you Mr. Speaker. I promise not to speak on this again. I am told I shouldn't promise. The reason we can't legalize marijuana is it is a schedule 1 drug as far as the federal government is concerned, that takes precedence. That was not an option for us. It was nothing we discussed, again, that is why we crafted something very narrow. Thank you.

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

ROLL CALL NO. 107

YEA - Benedikt, Berry, Bouffard, Brennan, Cameron, Chase, Cloutier, Daggett, Davidson, Desmond, DiPietro, Driscoll, Etnier, Fisher, Fitzpatrick, Gates, Gould, Green, Hatch, Heeschen, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kerr, Kontos, Lemaire, Lemke, Martin, Mitchell EH; Mitchell JE; Murphy, Nadeau, O'Neal, Ott, Perkins, Pinkham, Poulin, Pouliot, Richardson, Rosebush, Rowe, Samson, Saxl, J.; Saxl, M.; Sirois, Stevens, Thompson, Townsend, Treat, Tripp, Tuttle, Tyler, Vigue, Volenik, Watson, Winn, The Speaker.

NAY - Ahearne, Aikman, Ault, Bailey, Barth, Bigl, Birney, Buck, Bunker, Campbell, Carleton, Chartrand, Chick, Chizmar, Clark, Clukey, Cross, Damren, Donnelly, Dunn, Farnum, Gamache, Gerry, Gooley, Greenlaw, Heino, Joy, Joyner, Kneeland, Labrecque, LaFountain, Layton, Libby JD; Libby JL; Look, Lumbra, Luther, Madore, Marshall, Marvin, Mayo, McAlevey, McElroy, Morrison, Nass, Nickerson, O'Gara, Pendleton, Poirier, Povich, Reed, G.; Reed, W.; Rice, Ricker, Robichaud, Savage, Simoneau, Spear, Stedman, Stone, Strout, Taylor, True, Tufts, Underwood, Waterhouse, Wheeler, Winglass, Winsor.

ABSENT - Adams, Dexter, Dore, Gieringer, Guerrette, Hartnett, Jones, S.; Joyce, Kilkelly, Lane, Lemont, Lindahl, Lovett, Meres, Paul, Peavey, Plowman, Rotondi, Shiah, Truman, Whitcomb, Yackobitz.
Yes, 60; No, 69; Absent, 22; Excused, 0.

60 having voted in the affirmative and 69 voted in the negative, with 22 being absent, the Majority "Ought to Pass" as amended Report was not accepted.

Subsequently, the Minority "Ought Not to Pass" Report was accepted and sent up for concurrence.

House Divided Report - Committee on Human Resources - (7) Members "Ought to Pass" as amended by Committee Amendment "A" (H-267) - (6) Members "Ought Not to Pass" on Bill "An Act to Further Support the Community Service Volunteer Programs of the National Senior Service Corps of Maine" (H.P. 889) (L.D. 1242) which was tabled by Representative FITZPATRICK pending his motion to accept the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-267).

The SPEAKER: The Chair recognizes the Representative from Durham, Representative Fitzpatrick.

Representative FITZPATRICK: Mr. Speaker, Men and Women of the House: I rise again to support the "Ought to Pass" Report as amended from the Committee on Human Resources. The debate on this bill was not around the merits of the program to be funded by this bill, but it was really around the relatively small fiscal note. FY 96 is \$86,000 dollars. FY 97 is \$94,100.

L.D. 1242 provides funds beyond that found in Governor King's budget to the Retired and Senior Volunteer Programs, the Foster Grandparent Program, the Senior Companion Program, which makes up the Natural Senior Service Corps of Maine. The way to look at this is in an era of diminishing public money that volunteerism really has become a crucial means of replacing programs in our community. All our communities are really touched by the programs I just noted. These programs really produce thousands of hours of volunteer services in hospitals, clinics, mental health programs, substance abuse programs, courts and child care programs. This bill was really intended to note that there was a tremendous return for a relatively small investment. I ask you again to give your support to L.D. 1242.

The SPEAKER: The Chair recognizes the Representative from Hollis, Representative Joyner.

Representative JOYNER: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to ask for your support to vote for the Minority "Ought Not to Pass". As the good speaker, Representative Fitzpatrick from Durham, stated the committee did not have any problems with the merit of this bill. We all agreed that it had good merits and it was a strong bill. The problem that we did disagree on is the funding. The Chief Executive has proposed in his budget for the next two years \$76,000 dollars each year. We thought that was adequate, especially with the tough economic times that we face. Basically that is why we have the division on this bill. We did not feel that we should send another bill down to the Appropriations Table. I ask when the vote be taken it be the yeas and nays.

Representative JOYNER of Hollis requested a roll call on the motion to accept the Majority "Ought to Pass" as amended Report.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The Chair recognizes the Representative from Holden, Representative Campbell.

Representative CAMPBELL: Mr. Speaker, Men and Women of the House: This L.D. is mine. I was asked by my local RSVP organization to sponsor this bill. I understand fiscal responsibility. I am the first to ensure that we are fiscally responsible. In this case, I see this as a small investment. As the good Representative just mentioned, there is \$75,000 dollars in the Governor's budget for this organization. As I see a small investment, the difference between \$75,000 dollars and \$162,000