

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Nineteenth Legislature
State of Maine

Volume III

Second Regular Session

March 23, 2000 – May 12, 2000

Appendix
House Legislative Sentiments
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The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-1185). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 702

YEA - Ahearne, Andrews, Baker, Belanger, Berry DP, Berry RL, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Buck, Bull, Bumps, Campbell, Carr, Chick, Chizmar, Cianchette, Clough, Collins, Colwell, Cote, Cowger, Cross, Davidson, Davis, Desmond, Dugay, Duncan, Fisher, Foster, Frechette, Gagne, Gagnon, Gerry, Gillis, Glynn, Goodwin, Gooley, Green, Hatch, Heidrich, Honey, Jodrey, Jones, Kane, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mendros, Murphy E, Murphy T, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Perry, Pinkham, Plowman, Povich, Quint, Richardson E, Richardson J, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Shorey, Skoglund, Snowe-Mello, Stanwood, Stevens, Sullivan, Tessier, Tobin D, Tobin J, Tracy, Trahan, Treadwell, True, Tuttle, Waterhouse, Watson, Williams, Winsor, Mr. Speaker.

NAY - Bagley, Bryant, Cameron, Clark, Daigle, Dudley, Dunlap, Duplessie, Etnier, Fuller, Jabar, Jacobs, Joy, Kasprzak, Kneeland, LaVerdiere, Martin, Matthews, Mayo, Mitchell, Pieh, Powers, Richard, Rines, Rosen, Stanley, Thompson, Townsend, Tripp, Twomey, Usher, Weston, Wheeler EM, Wheeler GJ.

ABSENT - Bolduc, Labrecque, Muse, Sirois, Stedman, Volenik.

Yes, 111; No, 34; Absent, 6; Excused, 0.

111 having voted in the affirmative and 34 voted in the negative, with 6 being absent, and accordingly **House Amendment "A" (H-1185) was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-1185) in NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

The following items were taken up out of order by unanimous consent:

SENATE PAPERS

The following Joint Resolution: (S.P. 1093)

JOINT RESOLUTION ESTABLISHING JUNE 18, 2000 AS "WALK WITH THE ONE YOU LOVE DAY"

WHEREAS, on Sunday, June 18, 2000, the Maine Speakout Project will sponsor its 3rd annual "Walk with the One You Love Day" in the State of Maine; and

WHEREAS, the event is being held to foster greater appreciation for diversity and to make a strong, positive statement about the kind of community and State we want to live in and where all of us feel free to be ourselves in public without fear of harassment or violence, regardless of sexual orientation or any other difference; and

WHEREAS, the "Walk with the One You Love Day" is also being held in an effort to help raise awareness in our State that most citizens want laws that support committed relationships between all couples, regardless of sexual orientation; and

WHEREAS, during the walk, both gay and non-gay people walk together as an act of solidarity and community building to affirm the value of family and the belief that everyone deserves the right to be who they are, love who they want and walk with

whom they choose in the community without fear; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature now assembled in the Second Regular Session, on behalf of the people of the State of Maine, take this occasion to urge citizens throughout the State to support and participate in this event; and be it further

RESOLVED: That a suitable copy of this resolution, duly authorized by the Secretary of State, be transmitted to the Maine Speakout Project.

Came from the Senate, **READ and ADOPTED.**

READ and ADOPTED in concurrence.

ENACTORS

Resolves

Resolve, Regarding Access to Marijuana for Medical Use

(S.P. 1012) (L.D. 2580)

(S. "B" S-797 to C. "A" S-597)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative MCKENNEY of Cumberland, was **SET ASIDE.**

The same Representative **REQUESTED** a roll call on **FINAL PASSAGE.**

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 Bridgton, Representative Waterhouse.

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

The SPEAKER: The Representative may pose his question.

Representative **WATERHOUSE**: Mr. Speaker, Men and Women of the House. Could somebody please explain what this bill does?

The SPEAKER: The Representative from Bridgton, Representative Waterhouse has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative **POVICH**: Mr. Speaker, Men and Women of the House. To answer the question, this Resolve sets up the task force for its official neighboring legislation for the task force, which has already started its meetings.

The SPEAKER: A roll call has been ordered. The pending question before the House is Final Passage. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 703

YEA - Bagley, Baker, Berry RL, Bouffard, Brennan, Brooks, Bryant, Bull, Carr, Collins, Colwell, Cowger, Davidson, Dudley, Dugay, Duplessie, Etnier, Frechette, Fuller, Gagnon, Gillis, Green, Hatch, Jabar, Kane, LaVerdiere, Lemoine, Mailhot, Mayo, McDonough, McKee, McNeil, Mendros, Mitchell, Murphy T, Muse, Norbert, O'Brien JA, O'Brien LL, O'Neil, Peavey, Perkins, Perry, Pieh, Povich, Quint, Richard, Rines, Samson, Sanborn, Savage W, Saxl JW, Shiah, Shorey, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Twomey, Williams, Mr. Speaker.

NAY - Ahearne, Andrews, Belanger, Berry DP, Bowles, Bragdon, Bruno, Buck, Bumps, Cameron, Chick, Chizmar, Cianchette, Clark, Clough, Cross, Daigle, Davis, Desmond, Duncan, Dunlap, Fisher, Foster, Gagne, Gerry, Glynn, Goodwin,

Gooley, Heidrich, Honey, Jacobs, Jodrey, Jones, Joy, Kasprzak, Kneeland, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Martin, Marvin, Matthews, McAlevey, McGlocklin, McKenney, Murphy E, Nass, Nutting, O'Neal, Pinkham, Plowman, Richardson E, Rosen, Savage C, Saxl MV, Schneider, Sherman, Shields, Snowe-Mello, Stanwood, Tobin D, Tobin J, Trahan, Treadwell, True, Tuttle, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Bolduc, Campbell, Cote, Labrecque, Powers, Richardson J, Sirois, Stedman, Tripp, Volenik, Watson.

Yes, 65; No, 75; Absent, 11; Excused, 0.

65 having voted in the affirmative and 75 voted in the negative, with 11 being absent, and accordingly the Resolve **FAILED** of **FINAL PASSAGE**.

On motion of Representative SAXL of Portland, the House **RECONSIDERED** its action whereby the Resolve **FAILED** of **FINAL PASSAGE**.

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. I know this is a very difficult issue for most people in this chamber. I felt that most folks didn't have a chance to fully hear what was being considered. I ask you to look at Senate Amendment (S-797) and (S-597) and read with me. This is a task force of the Attorney General to implement the will of the people of the State of Maine when they voted to legalize marijuana for the use of medicinal purposes in the case of chronic and lethal disease, such as cancer, aids or HIV. The task force is charged with the mission of having the Attorney General convene a task force to study the implementation of a marijuana for medical purposes law and to recommend steps to implement the law and to provide access to marijuana for medical purposes. That is it. It is not about legalizing marijuana. It is not about going beyond the will of what the people have already established. If this referendum is to go into place, do you think the Legislature has a role in making sure the will of the people is expressed? They need to go through a rulemaking process to express federal concerns and state concerns as well as appropriate access concerns. You do not want to have the people of the State of Maine who are eligible for this trying to access marijuana from drug dealers. You do not want to have them trying to access marijuana from other sources which would put them in jeopardy of breaking one law, but complying with another law. Well, maybe you do want them to do that. It is up to you, but I just thought it was appropriate to take another step, take a second look at this. If you do want the referendum implemented that the State of Maine voted for, then, of course, you will vote no. If you think that there should be appropriate rules structuring the referendum, then you would support the Attorney General's effort to look at this and adopt appropriate rules. I hope that you will vote in favor of this.

The same Representative **REQUESTED** a roll call on **FINAL PASSAGE**.

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 Ellsworth, Representative Povich.

Representative **POVICH**: Mr. Speaker, Men and Women of the House. I thank the Majority Leader for a very good presentation on the issue at hand. Right now it is absolutely legal for the people of Maine to go to the back alley to find some pot for their medical purposes. This current law was initiated by

public ballot and it is totally inadequate. We are trying to make some sense of it here. This legislation here will quite possibly save the State of Maine lots of illegal activity and save us some \$50 million in federal grants that we are bound and determined to lose unless we put some order into this legislation. Please support the motion for LD 2580. Thank you very much.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. During that referendum I was an opponent of that referendum. I sought out every letter to the editor and every way I could to engage and speak against that referendum. One of the number one arguments was that it would be in conflict with federal law. The people spoke and they spoke overwhelmingly. It was hard to understand that at first and I think at first I said it would be easy to tell you that down the road I could say, I told you so, when a Maine law would come in conflict with federal law. This study commission that this bill sets up has three of our caucus members on it, including a medical doctor. They are going to come back to the next Legislature and they are going to say one of two things. There is no way it can be done. The federal law is overwhelming or they are going to come back and say they have found a way to coordinate with the federal government to let this state law go into affect. Speaking as a very ardent opponent that felt this is bad public policy, but the voters spoke and it is now Maine law and now as a Legislature with the task force, we are trying a way legally to carry out the will of the people. We may not be able to do it. They may have enacted a bad law that just can't go into effect. We are not going to know until that task force comes back to us with their recommendation. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **MCALLEVEY**: Mr. Speaker, Men and Women of the House. Could someone tell us who the members are who have been appointed or what categories they are going to be appointed from to this task force?

The SPEAKER: The Representative from Waterboro, Representative McAlevey has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative **POVICH**: Mr. Speaker, Men and Women of the House. The members are appointed from a broad cross section of the Maine community. The Legislature is represented by the members of the Health and Human Services Committee and the Criminal Justice Committee. The report will come back on December 1, 2000 to Health and Human Services and to the Criminal Justice Committee.

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

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

The SPEAKER: The Representative may pose his question.

Representative **MCALLEVEY**: Mr. Speaker, Men and Women of the House. Do we know specifically who the legislators are serving on the committee?

The SPEAKER: The Representative from Waterboro, Representative McAlevey has posed a question through the

Chair to anyone who may care to respond. The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative **POVICH**: Mr. Speaker, Men and Women of the House. I am the co chair of the committee along with the Assistant Attorney General James Cameron. We have the good Representative from Poland, Representative Snowe-Mello, the good Representative from Durham, Representative Schneider, the good Representative from Lewiston, Representative Cote, Representative Kane, Representative Shields and I hope I didn't leave anybody out. If I did, please ask for your recognition.

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

Representative **MCALVEY**: Mr. Speaker, Ladies and Gentlemen of the House. I realize that the public has spoken through a referendum process. Licensed physicians are prohibited by federal law from prescribing marijuana or they will lose their license. I guess the only alternative is for the State of Maine or a state department within the State of Maine to become the dispensers of this drug. What does that make us? I will remind you that I attended the hearings to legalize marijuana in front of our committee as well as the medical marijuana hearings in front of DHS. I really feel a lot of empathy for the people who came and testified because at the first hearing in front of our committee, Criminal Justice, these people were healthy, vivacious, very strong advocates to legalize marijuana. Less than nine months later they came before Human Services and they had this whole list of maladies that they came down with in the last nine months that they needed marijuana for. What a series of bad luck for those individuals. I respect their fever. I respect their desire to legalize this. Yes, I do respect the fact that they launched a successful campaign for a referendum, but it was a sham and I don't think the State of Maine should be in this business. I will remind you when I started as a police officer years ago, you would stop somebody with a pound of dope that cost \$300 and if you stop somebody today with a pound of dope in their car, that dope is now worth \$3,000, \$4,000 or \$5,000 and you will get killed for it. People die everyday in America because of drug trafficking, drug dealing, drug abuse and drug overdose. Marijuana is one of the first steps to that ladder. I don't think the State of Maine, whether we have a bill enacted making it legal for medical purposes should in any whatsoever be party to killing those people.

The **SPEAKER**: The Chair recognizes the Representative from Rome, Representative Tracy.

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

The **SPEAKER**: The Representative may pose his question.

Representative **TRACY**: Mr. Speaker, Men and Women of the House. Is Doctor Dora Mills part of this committee? Does she have any membership on this? If she is, can you tell me what capacity she holds?

The **SPEAKER**: The Representative from Rome, Representative Tracy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative **POVICH**: Mr. Speaker, Men and Women of the House. Dr. Mills is a member of the task force. She offered some very helpful testimony to us and gave us a report from the National Institute of Health and from the Institute of Medicine regarding substitutes for the prescribed plant. I thought that our first meeting was very helpful and very illuminating. I think that

the report, if I may continue, will go a long way in moderating the good Representative from Waterboro's concerns about the road that we need to travel. I think that this task force from what I gathered from the first meeting can accomplish a very, very good result.

The **SPEAKER**: The Chair recognizes the Representative from Manchester, Representative Fuller.

Representative **FULLER**: Mr. Speaker, Ladies and Gentlemen of the House. As you well know, I am on the Health and Human Services Committee. I certainly have never in all my adult life been a supporter of the use of illegal drugs and drug abuse. However, I think it was very bad luck that two close friends of mine, one who lost her 21 year old son and another one who lost her 37 year old husband both to cancer, had to resort to sending their other kids out onto the street to buy marijuana to relieve their nausea, vomiting and the extreme agony over the process they were going through in the process of dying. Both of these people died, but marijuana helped them through the final stages of their disease greatly and it was not a shame to get marijuana legalized for what they went through. I urge your support of this bill.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Final Passage. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 704

YEA - Bagley, Baker, Berry RL, Bouffard, Bragdon, Brennan, Brooks, Bryant, Bull, Cameron, Carr, Collins, Colwell, Cote, Cowger, Daigle, Davidson, Dudley, Dugay, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gillis, Gooley, Green, Hatch, Jabar, Jacobs, Jones, Kane, LaVerdiere, Lemoine, Lemont, Lindahl, Mailhot, Mayo, McDonough, McGlocklin, McKee, McNeil, Mitchell, Murphy E, Murphy T, Muse, Norbert, O'Brien JA, O'Brien LL, O'Neil, Peavey, Perkins, Perry, Pieh, Pinkham, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Shields, Shorey, Skoglund, Snowe-Mello, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Trahan, Twomey, Watson, Williams, Mr. Speaker.

NAY - Ahearne, Andrews, Belanger, Berry DP, Bowles, Bruno, Buck, Bumps, Chick, Chizmar, Cianchette, Clark, Clough, Cross, Davis, Desmond, Duncan, Dunlap, Foster, Gerry, Glynn, Goodwin, Heidrich, Honey, Jodrey, Joy, Kasprzak, Kneeland, Lovett, MacDougall, Mack, Madore, Martin, Marvin, Matthews, McAlevey, McKenney, Mendros, Nass, Nutting, O'Neal, Plowman, Rosen, Savage C, Schneider, Sherman, Tobin D, Tobin J, Treadwell, True, Tuttle, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Bolduc, Campbell, Labrecque, Sirois, Stedman, Tripp, Volenik.

Yes, 87; No, 57; Absent, 7; Excused, 0.

87 having voted in the affirmative and 57 voted in the negative, with 7 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Resolves

Resolve, to Establish the Commission to Study Ownership Patterns in Maine

(H.P. 1809) (L.D. 2535)

(H. "A" H-1184 to C. "A" H-932)