

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
House of Representatives
One Hundred and Twentieth Legislature
State of Maine

Volume III

Second Regular Session

March 7, 2002 – April 25, 2002

First Special Session

November 13, 2002 - November 14, 2002

Pages 1771-2574

Appendix
House Legislative Sentiments
Index

rise today to congratulate the swim team. They beat out Bangor, but they did it with honor. They are a great team and everybody in the State of Maine should be duly proud of these wonderful young ladies. Thank you.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

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

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

ORDERS

On motion of Representative DUNLAP of Old Town, the following Joint Order: (H.P. 1677)

ORDERED, the Senate concurring, that the Joint Standing Committee on Inland Fisheries and Wildlife report out, to the House, a bill implementing the recommendations of the Maine Land Use Regulation Commission and municipalities regarding surface water uses.

READ and PASSED.

Sent for concurrence.

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Order

Report of the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Amend the County Jail Prisoner Support and Community Corrections Fund"

(S.P. 810) (L.D. 2175)

Reporting **Ought to Pass** pursuant to Joint Order 2001, S.P. 768.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE**.

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** in concurrence.

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(S.P. 541) (L.D. 1672) Bill "An Act to Create the Washington County Development Authority" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-468)**

(S.P. 703) (L.D. 1905) Bill "An Act Authorizing the Transfer of Rights from Schedule Brook Bridge to Henderson Brook Bridge" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-471)**

(S.P. 724) (L.D. 1965) Bill "An Act to Amend the Animal Health and Disease Control Laws" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-470)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED as Amended** in concurrence.

MATTER PENDING RULING

Bill "An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2003" (EMERGENCY)

(H.P. 1526) (L.D. 2030)

TABLED – March 12, 2002 by Speaker SAXL of Portland.

PENDING – **RULING** of the Chair.

Subsequently, Representative BUNKER of Kossuth Township **WITHDREW House Amendment "B" (H-885)**.

The Bill was **PASSED TO BE ENGROSSED** and sent for concurrence.

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

The following item was taken up out of order by unanimous consent:

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** and the Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-451)** on Bill "An Act to Create a Pilot Project to Fully Implement the Maine Medical Marijuana Act of 1998"

(S.P. 183) (L.D. 611)

Signed:

Senators:

LONGLEY of Waldo
TURNER of Cumberland
MARTIN of Aroostook

Representatives:

DUGAY of Cherryfield
O'BRIEN of Augusta
KANE of Saco
FULLER of Manchester
NUTTING of Oakland
SHIELDS of Auburn
BROOKS of Winterport
LAVERRIERE-BOUCHER of Biddeford

DUDLEY of Portland

O'BRIEN of Lewiston

QUINT of Portland

PEAVEY of Woolwich

SNOWE-MELLO of Poland

GERZOFISKY of Brunswick

MITCHELL of Vassalboro

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

Signed:

Senators:

McALEVEY of York
O'GARA of Cumberland
DAVIS of Piscataquis

Representative:

LOVETT of Scarborough
POVICH of Ellsworth
BLANCHETTE of Bangor
TOBIN of Dexter
WHEELER of Bridgewater

Came from the Senate with the Majority **UGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-451)**.

READ.

On motion of Representative KANE of Saco, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The **SPEAKER**: The Chair recognizes the Representative from Saco, Representative Kane.

Representative **KANE**: Mr. Speaker, Men and Women of the House. This report is a product of a joint committee activity between the Health and Human Services and Criminal Justice Committees. It has had a long, and at time tortuous history, as we have attempted to craft a bill that, on the one hand, humanizes the plight of those who suffer from serious illnesses that can be ameliorated through the use of marijuana on the one hand. On the other hand, to acknowledge the constraints imposed by federal law, both on possession, those who use and supply and also prescribe. It is a very dicey process. The original proposal that came out of the committee in the first session of the 120th, was to establish a network of centers for distribution, which would be physician prescribed and monitored and regulated in a way that we thought that most accurately reflected the will of the people of Maine as expressed in the referendum a year ago November.

That has been the beacon that has guided the joint committees. We have looked at attempting to respond to the expressed will, explicitly expressed will, of the people of Maine and responding with some compassion and sensitivity to the plight, the medical plight of these folks.

What was more difficult in the joint committees as we struggled with it, was to deal with the federal laws, which constrained, most recently in California, the development of the kinds of centers that we had originally proposed.

The bill that is before us today is a significantly stripped back version of what we had set out to do. We don't believe, many of us, the majority on the report, don't believe that we are able, at this time to fulfill the intent as expressed by the people in the referendum to the extent that they would have liked. That would have been the centers. On the other hand, we did not feel that we could challenge the realities of federal law and to put patients, suppliers and sometimes family members and prescribers in conflict with federal law and all the potential consequences that might come from that. It is a significantly stripped back version that focuses primarily on authorizing and defining who is an eligible provider on behalf of a patient. It is somebody who is involved in that person's life who is overseeing and assisting in the oversight, at least, of the person's medical treatment and is a major caretaker in the ill person's life. It defines the usable amount of marijuana, increasing from one and a quarter to two and a half ounces. It provides an affirmative defense for the patient so that the patient doesn't have to legally worry that they are going to be prosecuted because of complying with the constraints of this law.

It also provides an affirmative defense for a designated caregiver who is attempting to provide or supply the necessary to meet the medical needs. There are others who, I am sure, will speak to both sides of this issue. This appears to be eminently reasonable attempt to respond to the will expressed by the people of Maine. Thank you Mr. Speaker.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-451)** 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**.

Representative **CARR** of Lincoln **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED**.

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 Passage to be Engrossed. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 518

YEA - Ash, Baker, Berry RL, Bliss, Brannigan, Brooks, Bryant, Bull, Canavan, Chick, Chizmar, Colwell, Cowger, Crabtree, Cummings, Daigle, Dorr, Dudley, Duplessie, Duprey, Estes, Etnier, Gagne, Gerzofsky, Green, Hall, Hawes, Hutton, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, MacDougall, Mailhot, Marley, McDonough, McGlocklin, McKee, McLaughlin, McNeil, Mendros, Michael, Michaud, Mitchell, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Pinkham, Quint, Richardson, Rines, Savage, Shields, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Twomey, Volenik, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Blanchette, Bouffard, Bowles, Bruno, Buck, Bumps, Bunker, Carr, Clark, Clough, Collins, Cote, Cressey, Davis, Desmond, Duncan, Dunlap, Fisher, Foster, Glynn, Goodwin, Gooley, Haskell, Hatch, Heidrich, Honey, Jacobs, Jodrey, Kasprzak, Lovett, Madore, Matthews, Mayo, McKenney, Morrison, Murphy E, Murphy T, Nass, Povich, Richard, Rosen, Sherman, Stedman, Tobin D, Trahan, Treadwell, Usher, Waterhouse, Wheeler EM, Wheeler GJ, Winsor, Young.

ABSENT - Bagley, Chase, Dugay, Fuller, Labrecque, Landry, Lundeen, Marrache, McGowan, Muse C, Muse K, Schneider, Tobin J, Tuttle, Watson, Weston.

Yes, 79; No, 56; Absent, 16; Excused, 0.

79 having voted in the affirmative and 56 voted in the negative, with 16 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-451)** in concurrence.

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Friday, March 15, 2002, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act to Prohibit a Convicted Sexual Offender From Acquiring Custody or Obtaining Visitation Rights Without Adult Supervision"

(H.P. 1468) (L.D. 1969)

TABLED - March 11, 2002 (Till Later Today) by Representative LaVERDIERE of Wilton.

PENDING - PASSAGE TO BE ENGROSSED.

On motion of Representative LaVERDIERE of Wilton, the Bill and all accompanying papers were **COMMITTED** to the Committee on **JUDICIARY** and sent for concurrence.
