

# MAINE STATE LEGISLATURE

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**Legislative Record**  
**House of Representatives**  
**One Hundred and Twenty-Fourth Legislature**  
**State of Maine**

**Volume III**

**Second Regular Session**

March 24, 2010 - April 12, 2010

**Appendix**  
**House Legislative Sentiments**  
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Pages 1215-1836

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE  
SECOND REGULAR SESSION  
34th Legislative Day  
Monday, April 5, 2010

The House met according to adjournment and was called to order by the Speaker.

Prayer by Reverend Mark K. Tanner, Skowhegan Federated Church.

National Anthem by Molly Finn, Lewiston.

Pledge of Allegiance.

The Journal of Friday, April 2, 2010 was read and approved.

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**SENATE PAPERS**

**Non-Concurrent Matter**

An Act Concerning Statewide Communications Interoperability

(H.P. 1201) (L.D. 1700)

(C. "A" H-775)

**FAILED** of **PASSAGE TO BE ENACTED** in the House on March 31, 2010.

Came from the Senate **PASSED TO BE ENACTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

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**Non-Concurrent Matter**

Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands and the Department of Inland Fisheries and Wildlife (PUBLIC LAND)

(H.P. 1291) (L.D. 1803)

(C. "A" H-723)

**FINALLY PASSED** in the House on March 25, 2010.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-723) AND SENATE AMENDMENT "B" (S-509)** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

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**Non-Concurrent Matter**

Bill "An Act To Amend the Standards by Which Game Wardens May Stop All-terrain Vehicles when Operating on Private Property"

(H.P. 1080) (L.D. 1536)

House **INSISTED** on its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-759)** in the House on March 30, 2010.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "C" (S-507)** in **NON-CONCURRENCE**.

On motion of Representative CLARK of Millinocket, the House voted to **INSIST**.

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**COMMUNICATIONS**

The Following Communication: (S.C. 757)

**MAINE SENATE**

**124TH MAINE LEGISLATURE  
OFFICE OF THE SECRETARY**

April 2, 2010

Honorable Hannah M. Pingree

Speaker of the House

2 State House Station

Augusta, ME 04333-0002

Dear Speaker Pingree:

In accordance with 3 M.R.S.A. §158 and Joint Rule 506 of the 124th Maine Legislature, please be advised that the Senate today confirmed the following nomination:

Upon the recommendation of the Committee on Judiciary, the nomination of Peter L. Darwin of Portland for appointment as a District Court Judge.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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Representative PENDLETON of Scarborough assumed the Chair.

The House was called to order by the Speaker Pro Tem.

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**ENACTORS**

**Emergency Measure**

An Act To Implement the Recommendations of the Governor's Ocean Energy Task Force

(S.P. 710) (L.D. 1810)

(C. "A" S-500)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 115 voted in favor of the same and 3 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

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The Speaker resumed the Chair.

The House was called to order by the Speaker.

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

**ENACTORS**

**Emergency Measure**

An Act To Amend the Maine Medical Marijuana Act

(S.P. 719) (L.D. 1811)

(C. "A" S-508)

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

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative Lewin.

Representative LEWIN: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I have tremendous concerns about this medical marijuana bill. I actually believe that the people of the great State of Maine were hoodwinked into voting for this bill. They were told that it's a medical marijuana bill and, frankly, having spent nearly eight years here, I can tell you the titles of bills frequently aren't exactly what they really are, and in my judgment this is a bill to legalize the marijuana use. In this particular bill, I believe it was rather like a Swiss cheese, full of holes when it came to us, and that's what the people saw. The people saw and heard about the use of marijuana for people who are suffering with terrible illnesses, who have acute nausea, and acute pain, and being the good and kind and compassionate people that they are, they check the little box for people to be able to use medical marijuana. But I don't think they heard, as Paul Harvey used to say, the rest of the

story. There is a whole lot to this story, and I think the people of Maine need to know what all of that's about.

We already had a medical marijuana bill here and we've had it for the better part of 10 years, and it's not perfect. It did allow prescription of medical marijuana, but it didn't legally allow anyone to go and get it. The fact is there is federal law against the use of growing, distribution, etcetera of marijuana, so it was very, very difficult for people to get it, and I think the national organization that wants to legalize marijuana took great advantage of the fact that we may have had the law but it wasn't the right law at the time.

There are a whole lot of things to talk about in this law. When it came to our committee, it looked to me like a Swiss cheese. It was full of holes. The opportunity for criminal activity is enormous in that bill as it originally came to us. Our committee worked very diligently and very hard on a bill that 70 percent of the people thought was a heck of an idea. We had four or five long, long work sessions on this bill, trying very hard to improve it and to tighten it up, and to make it manageable for the Health and Human Services Department to administer, and to make it manageable for the Agricultural Department to monitor the growth of this stuff. And after a whole lot of partisan caucuses and a whole lot of very long work sessions and a great deal of testimony, we did, with our analyst, Jane Orbeton, the very best that we could do with this bill. Jane did us a side by side of all the reasons for and against and things we needed to look at. There were nearly 50 lines that we had to look at. It was a huge, huge bill. Ultimately, what we agreed to do with all sides of the issue giving a lot, we agreed that there would be eight dispensaries throughout the State of Maine, and that those dispensaries would be operated in the various Health and Human Services regions of the state, that they would have some fairly tight control—in my judgment, nowhere near enough—and perhaps Representative Strang Burgess, my seatmate, will give you some more of the details of some of the bill. But I have to tell you, I have enormous concerns about it, and I believe it honestly is a part of the national effort to legalize marijuana, which is against federal law mind you.

There are two initiatives right now sitting in the Secretary of State's Office. One of those would allow 19 year olds to possess, transport, use and distribute marijuana or hemp products, and it would allow doctors to prescribe it. It would also repeal this initiative for medical marijuana system established by law. The second one repeals the medical marijuana system and enables medical marijuana systems based on much broader a context of various illnesses, and it would remove from DHHS a registry and all of the other things that go with control of it. For me, that's enough to tell me that this is without question a national movement to legalize marijuana, and I don't think that's our job here in Maine, and I don't like that the people of Maine are being used to help move that process along. There is a process to do that and this is not the right place for that. I think that it's really an important thing to live within the law. I make it a policy and a practice to do that. I hope everybody under this dome does exactly the same thing, and I found it extraordinarily difficult to do my duty and work on that bill knowing full well that it is against federal law. I was continually reminded that Eric Holder, the Attorney General of our great country, said he's not going to enforce the law. Frankly, if I told you the absolute truth, I'd tell you I think the guy needs to be fired for not doing his duty. As long as it's the law, it ought to be enforced whether it's in Maine or Hawaii or Kalamazoo, Michigan. The law should be enforced. And if we don't like it, there are vehicles to change it. Frankly, under the guise of medical marijuana, I find it abhorrent that this thing was passed, and it really troubles me deeply that the people

of Maine only heard part of the story. They didn't hear about there are over 13,000 people that we had in substance abuse treatment here last year alone. Over 13,000, folks, and how many people do we all know that aren't getting treatment? Probably a whole lot. We spend in OSA over \$23 million a year, just in the Office of Substance Abuse, to try to do something to help people who have addictions. There are \$214 million reported, things that we know about, in criminal activity in the State of Maine. I think we all ought to think long and hard about that, and while I have no illusions that this bill is not going to pass out of here, because I do believe it will, I think we all ought to be thinking about the law, and we all ought to be true to the things we've sworn to uphold. For me, it's all about not breaking federal law. So we've done what we could do in our committee to make it a better bill, I have no illusions that it's going to do everything it ought to do, and I can tell you I talked to a number of police officers about this, a number of police chiefs. I've talked to people who spent many years in the Maine State Police, who are horrified that this passed, and they're as worried as I am about our future here.

I had, to be distributed to you this morning and I don't know if you've got it at your desk yet, something that came to me two days after we passed this bill out of committee unanimously, and since I'm standing here not the happiest camper discussing it, I'm sure you wonder why I voted to get it out of committee. I did exactly what our people in Appropriations do all the time when they've done the very best they can do and they've worked very hard to try to do the right thing, we said we have to pass it out of here and we got lots of concessions and did what we could do, so I voted for it to get it out of there. Today I am not going to vote for it because I couldn't look in the mirror in the morning if I did that. I think it's a wrong and bad thing, and I think the people that sold the bill the goods and I feel terrible about that. But two days after we voted this out of committee, I was reading my local paper, which never covers much of anything in the happenings of the State of Maine, but I did see an AP article in that paper. And as much as I've been concerned about criminal activity that may come along with this law, I wasn't surprised to see that a gentleman in Washington State was beaten to death, a guy who was a grower. Somebody found out that he was a grower and somebody else wanted the crop, and they thought it was okay to take it by any means. We had a medical marijuana activist who was attacked and exchanged gunfire with intruders at this home. That happened in Kirkland, Washington, a community I've been to many times, very much like a lot of places here in the State of Maine. And in California, a little boy was shot to death in the year 2007, while he invaded a grower's home trying to get his hands on the marijuana that was there. Any one who thinks that this is not going to happen here in Maine is very much mistaken. These awful things will come here and, unhappily, the law enforcement community is going to be left to clean up the mess. So I would urge you all to let your constituents know that this is indeed a national effort to legalize marijuana. It's not just about medical marijuana. And by the way, there is a pill form that one can take of this stuff that will help them with their pain and suffering, and I sympathize and empathize with anyone who's lost someone they love to a terrible illness. I lost a sister-in-law; eight weeks later, my brother, her husband was dead. Both of them from brain tumors, both of them died terrible deaths but they did not resort to doing something other than what the medical community normally subscribes for pain. So I do have familiarity with these things and I have enormous empathy for those who are suffering, but I am absolutely convinced doing things that are illegal by federal law is not the way to resolve our problems. I would hope that we all step up and speak out against doing things that are

against the law because it's not a good thing to do. So I'm hopeful you'll all think long and hard and, truth to tell, the bill that's going to be before you to vote on is far better than that which came to us. We all need to remember it's still against federal law. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from North Berwick, Representative Eves.

Representative **EVES**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. The report out of the committee is indeed unanimous, as Representative Lewin has mentioned. The Swiss cheese that was referred to, the initiative bill, there were holes in it and that's why the Chief Executive put together a task force and that task force worked the bill, came to the committee with recommendations, we worked it, and what's before us right now is the Maine Medical Marijuana Act. It was not an act to legalize marijuana. I think it's really important to limit our conversation today to what it actually is, and that is exactly what it is. We went to great lengths to make sure that there were restrictions on the program because the analogies to California, there were many that were made, and the committee took that very seriously. So we did want to start slow with this, and we didn't want the leash to be too long because we know when the toothpaste is out of the tube, it's hard to put back in. So what we did, I think, is a very responsible thing. We followed the will of the people. We are doing this very slowly. There's going to be eight dispensaries with the ability to grow at the dispensaries. There are tight controls on it. There are those that would want much, much looser controls on it, but I think we did the responsible thing with the recommendations that we did.

I think before us what we have is a motion for Enactment and we need an Emergency Measure. If we don't get two-thirds, I just want to be clear about what we will do if we don't get two-thirds. We will, what I think, obstruct the will of the people. They want this implemented as quickly as possible, and that was one of the principles that Senator Brannigan laid out for us in going through this, setting a framework around how will we make these decisions, one of which is to stay close to the initiated bill. So I would ask that you would follow my light on this. We are talking about the Maine Medical Marijuana Act, not legalizing marijuana. In closing, I would ask the Clerk to read the Committee Report. Thank you.

Representative **EVES** of North Berwick **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

The **SPEAKER**: The Chair recognizes the Representative from Mount Vernon, Representative Jones.

Representative **JONES**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I just would, as a member of the Health and Human Services Committee who worked very hard on this issue and listened to a lot of testimony, I want to underline two or three points. That is that the people of the State of Maine voted to move forward with this issue of medical marijuana in the November elections. We worked very hard in the committee to put in the particulars of how this will be distributed, how to protect our children, and how we will be growing this product. I think we've done an excellent job at moving this forward in a safe way for Mainers, as they have requested that we do through the referendum. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. After hearing all of this, I was very upset with this bill when it first came in front of the committee, and I requested a meeting with an

attorney general and had that meeting, and I asked the Senate Chair to have the Commissioner of Public Safety appear in front of the committee. I was the only one that questioned them because it was my request that she appear the next day. When I left there for the weekend, certain Representatives were not going to vote for this bill. When I come back Monday, I got my answers and found out and we passed this legislation in the committee one hundred percent, I believe. If the Clerk would read the committee vote, I'd appreciate it. But it passed unanimously as far as I'm concerned. Thank you.

The **SPEAKER**: The Chair would just let the Representative know the Clerk has just read the Committee Report, so that has been done.

Representative **CAMPBELL**: The vote, not the report.

The **SPEAKER**: On the record, the Chair would just let members know that on a unanimous Committee Report, we don't get the vote. So if somebody was absent, we would not know that. As far as we know, it was a unanimous Committee Report of those who had voted.

The Chair recognizes the Representative from Brewer, Representative Celli.

Representative **CELLI**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I have to agree with everything that's been said here so far. I will be voting for this. But recently, I had seven captive constituents here. They couldn't get away from me, so they had to listen to me. I asked them if they had voted for this measure. They all said yes. I gave them particulars of what they had voted on, and they were all horrified. So when you say 70 percent of the people voted for this, they really didn't know what they were voting for. I think the committee has done a good job of tightening this up. There's some local control in there where the local governments can determine where these dispensaries can be and how many can be in their communities. Also, instead of having 3,000 dispensaries across the state, which is what the legalization of marijuana people wanted to make it innocuous so that people would say, look, it's on every corner, we might as well make it legal, they got rid of that and have four to eight dispensaries now.

So I believe they've done a fairly good job, the best job they could do to tighten this up. But I do feel sorry for anyone who's going to be on Health and Human Services for the next 50 years, because they're going to get this bill back and have it amended time after time after time, every year, in order to tighten it up and make it right. After talking with pain specialists across the state, including eye surgeons, not one of them said that smoking marijuana was something that they wanted to prescribe. There is Marinol, a pill out there that does the job effectively. In patients with glaucoma, marijuana is not even used anymore, they have better drugs. This is exactly what Representative Lewin said it was, but I think the committee did a great job of fording that effort, put in some tighter controls on it, and still making it available to those who medically need it. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Portland, Representative Haskell.

Representative **HASKELL**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I'd like to stand just to remind folks about why this bill is here in front of us. I gave this speech on the floor of this House sitting in the seat that Representative Burns is in right now. That was my seat when I was first here and my daughter had been diagnosed, while she was pregnant for my grandson, with an ovarian cancer. Now to be sure she wasn't a young child, but when you're a mother, it's always your child, and this child had a very serious cancer. It was a tumor, it was bigger than four of the babies, it was huge, and it was very serious. It was probably, when I sat in that

oncologist office, one of the worst days of my life when I heard that my child had this invasive cancer.

Very shortly after that, she began to have more and more difficulty because of the size of the tumor and, on February 26th, she went in for surgery. The child, Joshua, was due on April 15th. This was February 26th. She went in for surgery and the doctor made an incision that was a very large incision, removed that tiny little baby, he was premature at that time, and that large tumor. What ensued after that was a regimen of chemotherapy, which one could only describe as torturous. As soon as that scar healed and barely healed, she was in the hospital five days straight with the drugs running intravenously and, incidentally, some of those drugs couldn't be delivered to her in the little plastic baggies because it would eat the plastic bag. They had to use a glass container in order to put those drugs in. The great thing about it is those were very strong drugs and they were very effective; however, for five days she'd be in the hospital with that IV running. And then she'd be home for 17 days with her premature baby, and then she would be back in the hospital for five days with those drugs running, and that went on for six months.

During that time, I can't describe to you what the symptoms were that she suffered. Her veins, you could feel them. They were hard as ropes because of the chemicals. Because of some of the heavy metals that were in those drugs, she lost feeling in her hands and her feet. She couldn't touch the baby's face and feel whether it was warm or cold. It was a difficult time for her to say the least. The nausea that she had, she was particularly sensitive to it. Maybe more sensitive than others, I don't know. But all I know is that's all she did was suffer from nausea. Many of the drugs that were offered had, as a side affect, diarrhea, and I can tell you that's the last thing a person needs whose barely got strength enough to crawl to the john as it is. Many of the drugs, Marinol is one of them, Marinol only has one of the ingredients that some of the other drugs have. She couldn't keep water down to say nothing about a pill down.

So as a family we made a decision. I was a sitting legislator. I don't think that would have gone over real well if I'd been out on the street buying pot. Her brother was working for a research institute doing research on genetic markers for downs syndrome. He could hardly go and have that kind of research questioned by an arrest for having bought pot. And Sue's husband worked at Bath Iron Works. Well, you can imagine what a record like that would have done to both his job and their health insurance. And so it was her father who decided—he's a self-employed contractor, no job to lose, nothing but an upstanding life and clean record—to go out and get pot on the street for that girl. Representative Treat's heard this speech before. And he did. It didn't miraculously make her healthy and bounding around the room. What it meant was that she could drink a little bit of water. She could keep a little juice down. Maybe she could have a little bit of soup. So that was what helped her stay strong enough to both survive the treatment and the disease that she was facing. I just want to you to understand that there are real people out there for whom this herb has been a valuable resource, has been helpful, has made a difference in people's lives in a very personal way. She's 20 years out now from that. She's in remission and that little grandson is that 6'2" kid who's living in my basement and going to college, and we're so grateful for that. But I'll tell you, without the kind of help that she got from that product during that time period, I don't know whether her recovery would have been the way that it has been. So I urge you all, I've argued for this, I've sat on the task force, I urge you all to Enact this legislation and let's move forward with making this help available to folks who really need it like my daughter did.

Representative THOMAS of Ripley **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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 Farmington, Representative Harvell.

Representative **HARVELL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I'm stunned that the implication that there were those that favored more than just medicinal marijuana that were putting this referendum out. I know in Farmington, when the UMF students were there collecting signatures, there didn't appear to be a cancer patient among them. They say that politics makes strange bedfellows, and that it does. While I certainly agree with Representative Lewin that there was a crowd that wants to legalize marijuana, that was pushing this and they probably were pushing it as a first step. But make no mistake, 63 to 64 percent of the people of Maine voted for this, and they did so at a time when Question 1 was on the ballot where the religious right turnout was greater than it would ever be, and I suggest that that number would be proportionately higher in a general election. Trying to keep the contradictions in my own mind from overwhelming me, I also am troubled by finding those that advocate of states' rights that now have no problem saying the Federal Government has made this illegal. Louisiana is the only state in the Union that never has taken a federal dollar for transportation, and they've kept their legal drinking age at 18. That's a federal law.

Just before last year's elections, I spoke to Representative Tardy about this in the parking lot. I was very interested to watch the turnout on this vote because I believe the people of Maine are not only ready for this but they're ready for something far greater. Thank you, Madam Speaker.

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

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken

#### **ROLL CALL NO. 352**

**YEA** - Adams, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Boland, Bolduc, Bryant, Butterfield, Cain, Campbell, Carey, Casavant, Cebra, Celli, Clark H, Cleary, Cohen, Connor, Cornell du Houx, Cotta, Crafts, Cray, Crockett J, Crockett P, Curtis, Cushing, Davis, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Finch, Fitts, Flaherty, Flemings, Fletcher, Fossel, Gilbert, Giles, Goode, Greeley, Hamper, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Knapp, Kruger, Lajoie, Langley, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McKane, Miller, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Peterson, Pieh, Pilon, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rankin, Richardson D, Robinson, Rotundo, Russell, Sanborn, Sarty, Saviello, Schatz, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Tardy, Theriault, Thibodeau, Thomas, Tilton, Treat, Trinward, Valentino, Van Wie, Wagner J, Wagner R, Watson, Weaver, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

**NAY** - Austin, Ayotte, Browne W, Burns, Chase, Clark T, Edgecomb, Flood, Gifford, Johnson, Joy, Knight, Lewin, McFadden, McLeod, Richardson W, Sykes.

**ABSENT** - Beaudette, Briggs, Kent, Perry, Rosen, Tuttle.

Yes, 128; No, 17; Absent, 6; Excused, 0.

128 having voted in the affirmative and 17 voted in the negative, with 6 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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### Resolves

Resolve, Regarding Legislative Review of Portions of Section 10: Stream Crossings within Chapter 305 Permit by Rule Standards, a Major Substantive Rule of the Department of Environmental Protection

(H.P. 1224) (L.D. 1725)

(S. "A" S-493 to C. "B" H-678; S. "A" S-506)

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Property Located at 187-189 State Street, Augusta, Known as the Smith-Merrill House, and at 159 Hogan Road, Bangor, known as the Elizabeth Levinson Center

(H.P. 1311) (L.D. 1825)

(C. "A" H-816)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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### ORDERS

On motion of Representative CORNELL du HOUX of Brunswick, the following Joint Resolution: (H.P. 1320) (Cosponsored by Senator MARRACHÉ of Kennebec and Representatives: ADAMS of Portland, AUSTIN of Gray, AYOTTE of Caswell, BEAUDETTE of Biddeford, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BECK of Waterville, BERRY of Bowdoinham, BICKFORD of Auburn, BLANCHARD of Old Town, BLODGETT of Augusta, BOLAND of Sanford, BOLDUC of Auburn, BRIGGS of Mexico, BROWNE of Vassalboro, BRYANT of Windham, BURNS of Whiting, BUTTERFIELD of Bangor, CAIN of Orono, CAMPBELL of Newfield, CAREY of Lewiston, CASAVANT of Biddeford, CEBRA of Naples, CELLI of Brewer, CHASE of Wells, CLARK of Millinocket, CLARK of Easton, CLEARY of Houlton, COHEN of Portland, CONNOR of Kennebunk, COTTA of China, CRAFTS of Lisbon, CRAY of Palmyra, CROCKETT of Bethel, CROCKETT of Augusta, CURTIS of Madison, CUSHING of Hampden, DAVIS of Sangerville, DILL of Cape Elizabeth, DOSTIE of Sabattus, DRISCOLL of Westbrook, DUCHESNE of Hudson, EATON of Sullivan, EBERLE of South Portland, EDGECOMB of Caribou, EVES of North Berwick, FINCH of Fairfield, FITTS of Pittsfield, FLAHERTY of Scarborough, FLEMINGS of Bar Harbor, FLETCHER of Winslow, FLOOD of Winthrop, FOSSEL of Alna, GIFFORD of Lincoln, GILBERT of Jay, GILES of Belfast, GOODE of Bangor, GREELEY of Levant, HAMPER of Oxford, HANLEY of Gardiner, HARLOW of Portland, HARVELL of Farmington, HASKELL of Portland, HAYES of Buckfield, HILL of York, HINCK of Portland, HOGAN of Old Orchard Beach, HUNT of Buxton, WALSH INNES of Yarmouth, JOHNSON of Greenville, JONES of Mount Vernon, JOY of Crystal, KAENRATH of South Portland, KENT of Woolwich, KNAPP of Gorham, KNIGHT of Livermore Falls, KRUGER of Thomaston, LAJOIE of Lewiston, LANGLEY of Ellsworth, LEGG of Kennebunk, LEWIN of Eliot, LOVEJOY of Portland, MacDONALD of Boothbay, MAGNAN of Stockton Springs, MARTIN of Orono, MARTIN of Eagle Lake, MAZUREK of Rockland, McCABE of Skowhegan, McFADDEN of Dennysville, McKANE of Newcastle, McLEOD of Lee, MILLER of Somerville, MILLETT of Waterford, MITCHELL of the Penobscot Nation, MORRISON of South Portland, NASS of Acton, NELSON

of Falmouth, NUTTING of Oakland, O'BRIEN of Lincolnville, PENDLETON of Scarborough, PEOPLES of Westbrook, PERCY of Phippsburg, PERRY of Calais, PETERSON of Rumford, PIEH of Bremen, PILON of Saco, Speaker PINGREE of North Haven, PINKHAM of Lexington Township, PIOTTI of Unity, PLUMMER of Windham, PRATT of Eddington, PRESCOTT of Topsham, PRIEST of Brunswick, RANKIN of Hiram, RICHARDSON of Carmel, RICHARDSON of Warren, ROBINSON of Raymond, ROSEN of Bucksport, ROTUNDO of Lewiston, RUSSELL of Portland, SANBORN of Gorham, SARTY of Denmark, SAVIELLO of Wilton, SCHATZ of Blue Hill, SHAW of Standish, SIROIS of Turner, SMITH of Monmouth, SOCTOMAH of the Passamaquoddy Tribe, STEVENS of Bangor, STRANG BURGESS of Cumberland, STUCKEY of Portland, SUTHERLAND of Chapman, SYKES of Harrison, TARDY of Newport, THERIAULT of Madawaska, THIBODEAU of Winterport, THOMAS of Ripley, TILTON of Harrington, TREAT of Hallowell, TRINWARD of Waterville, TUTTLE of Sanford, VALENTINO of Saco, VAN WIE of New Gloucester, WAGNER of Lyman, WAGNER of Lewiston, WATSON of Bath, WEAVER of York, WEBSTER of Freeport, WELSH of Rockport, WHEELER of Kittery, WILLETTE of Presque Isle, WRIGHT of Berwick, Senators: ALFOND of Cumberland, BARTLETT of Cumberland, BLISS of Cumberland, BOWMAN of York, BRANNIGAN of Cumberland, BRYANT of Oxford, COURTNEY of York, CRAVEN of Androscoggin, DAMON of Hancock, DAVIS of Cumberland, DIAMOND of Cumberland, GERZOFSKY of Cumberland, GOODALL of Sagadahoc, GOOLEY of Franklin, HASTINGS of Oxford, HOBBS of York, JACKSON of Aroostook, McCORMICK of Kennebec, MILLS of Somerset, President MITCHELL of Kennebec, NASS of York, NUTTING of Androscoggin, PERRY of Penobscot, PLOWMAN of Penobscot, RAYE of Washington, RECTOR of Knox, ROSEN of Hancock, SCHNEIDER of Penobscot, SHERMAN of Aroostook, SIMPSON of Androscoggin, SMITH of Piscataquis, SULLIVAN of York, TRAHAN of Lincoln, WESTON of Waldo) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

### JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO INCREASE FLEXIBILITY REGARDING PAYMENTS TO MAINE VETERANS' HOMES

WE, your Memorialists, the Members of the One Hundred and Twenty-fourth Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the United States Congress as follows:

WHEREAS, the federal Veterans Benefits, Health Care, and Information Technology Act of 2006, Public Law 109-461, requires the United States Department of Veterans Affairs to reimburse Maine Veterans' Homes at a higher rate for the cost of care provided to veterans with a 70% or higher service-connected condition or who require nursing home care for a service-connected reason; and

WHEREAS, the 70 Percent Program was set up to give equal access to veterans with service-connected disabilities who use Maine Veterans' Homes in Augusta, Scarborough, Caribou, Bangor, South Paris and Machias, Maine; and

WHEREAS, although the intent of the United States Department of Veterans Affairs regulations is to provide a higher per diem rate for veterans with service-connected disabilities, the regulations actually result in significantly lower total amounts being paid to many Maine Veterans' Homes providing nursing home care to veterans with service-connected disabilities; and

WHEREAS, as implemented, the 70 Percent Program does not provide to many Maine Veterans' Homes the actual cost of