

MAINE STATE LEGISLATURE

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

Daily Edition

First Regular Session

beginning December 5, 2012

beginning at page H-1

McElwee, Nelson, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Powers, Reed, Sanderson, Saucier, Short, Sirocki, Stanley, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Welsh, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Beaudoin, Campbell R, Crockett, Davis, Kusiak, MacDonald W, Malaby, McGowan, Nadeau A, Peterson, Saxton.

Yes, 73; No, 67; Absent, 11; Excused, 0.

73 having voted in the affirmative and 67 voted in the negative, with 11 being absent, and accordingly the Joint Order was **PASSED**. 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:

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (10) **Ought Not to Pass** - Minority (3) **Ought to Pass as Amended by Committee Amendment "A" (H-324)** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Regulate and Tax Marijuana"

(H.P. 868) (L.D. 1229)

TABLED - June 5, 2013 (Till Later Today) by Representative DION of Portland.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm sure everybody will be shocked, but I am rising in opposition to the pending motion. The debate that we have heard for a long time, Mr. Speaker, has been about whether to legalize marijuana, tax it and regulate it, or not, but that is not the bill before us today. We have two choices today. We can choose to continue on the path that we've been on, knowing that this issue is growing in the means of the public, knowing that folks are preparing to bring a citizen's initiative to this state, just like they did in Washington and Colorado, watching state by state decriminalize this as Vermont did today, or we can get ahead of this issue. Opposing this motion means that we have an opportunity to send this out to the people. We have an opportunity to ask them what it is that they would like to do and how they would like to proceed on this particular issue. It asks us to partner with the very voters that we ask every two years to vote for us, and if they choose that they would like to tax and regulate this product, then it comes back to us, the Legislature, to set up the regulatory process. I believe that this is the smartest most rational, most reasonable path forward to ensure that if this does happen in our state, that we are the ones driving the bus to do it, that we are able to weigh the interests of law enforcement, to weigh the concerns of parents and teachers, to weigh the concerns of substance abuse counselors, and to include their information and their insight into a regulatory structure that will work for our state in a positive way. But that is only if the people vote to support legalization, taxation and regulation of marijuana. All this opportunity does, if we oppose this motion, is send the question to ballot, to send it to referendum. It's a very simple question. Do you want to let the

people decide on this? Do you want to be the ones that drive the bus later on if it does come to us or do we want to wait, like Colorado and Washington State did, for the people to bring a petition to us that we then have to work within. So I am rising in opposition to the pending motion and I look forward to a robust debate on this. I am hoping it will be a short debate, but a good debate, and I hope folks will follow my red light in allowing the people to decide this issue once and for all. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Harvell.

Representative **HARVELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The war is over and it is not a good thing, but make no mistake, over it is. In full disclosure, I will confess before this body that I have smoked marijuana and, unlike a former President, I did inhale. Society, as Edmund Burke so eloquently explained, is never held together solely by laws. They are an outgrowth of culture, that is of traditions, religious beliefs, social morals. We have come to believe that we can change these institutions, like marriage, religion, beliefs, moral tradition and somehow this will not affect our society. But, as he so clearly point out, it will. The reality is though that as a democratic republic, the will of the people will generally be expressed, and on this issue, there is no exception. We have heard a lot about the war on drugs, but it cannot be possibly won by the way we are fighting it because it flies in the face of economic forces themselves. We have chosen to fight this war by loosening the penalty for demand and attacking supply only, and I will suggest that, historically, no one has ever smuggled a product that someone didn't want and did it for very long. No one has ever lugged a bale of fertilizer into the woods to plant a plant and waste their time with cameras and camouflage and every other entity needed, unless there was a profit motive. The problem is what happens if you make a drug bust, you reduce the supply. When you reduce the supply, what happens to the price? The price rises. So the average citizen out there may not be willing to risk jail time for \$1,000 an ounce, but where is his cutoff? Twelve, 14, 16? Think Franklin County. You've got thousands of acres of clear-cuts, hundreds of miles of woods, roads, an unemployment rate of 8 or 9 percent, and a plant someone can make \$1,000 on. What is the chance that these entities won't find each other? If they didn't find each other, Franklin County would be ripe for a social experiment.

Now, the reality is, we have lowered our traditions and we have lowered our beliefs and we have come to believe that you can do through legislation what tradition couldn't restrain itself. It cannot be done. The floodgates are open on this, whether we like it or not. It's not a good thing. I mean, this isn't a good thing. Make no mistake, it's not a good thing, but it's over. So the question then becomes, how do we surrender where our dignity isn't gone and where the loss will become even greater? Because continue this fight, continue losing it, and we'll be back here in five, 10, 15 years discussing the same issue on methamphetamines, heroin, and cocaine. We have a society also that has been hypocritically fighting this war for years. You can go back into the '50s, right? Look at the ads they ran. You know, I mean it was ridiculous. You were looking at a drinking population and trying to tell them while they were smoking, and trying to tell them that this was worse. You actually cannot smoke enough marijuana to kill yourself. You will go to sleep first, not that I have any experience with that. This war will continue, make no mistake, but the reality is this battle is over and it's time to ask the people if they want to surrender as well. I urge you to vote no.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Now that you had your little laugh, I'd like to talk serious about this. I spent eight years up here listening to lobbyists in the hallway about how bad cigarettes were for you for smoking and how the tobacco companies have been paying and they are going to continue paying as long as they are making cigarettes, tobaccos. I have the folks back home asking me "Is that what you're going to be doing up there now, voting so that when our kids, when they are 21 years old, they can get some cheap vodka and some pot and smoke dope?" That's not the reason I came up here. I would hope that there is enough sense on both sides of the aisle to reject this. Thank you, Mr. Speaker.

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

Representative **BEAVERS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Unlike my committee seatmate, Representative Harvell, I have never smoked pot or inhaled it, although I did smoke cigarettes at one time. You may wonder why I cosponsored this bill when I am actually neither for nor against LD 1229. It's because I believe it is time to have the conversation and let the Maine public weigh in on the subject. I can state on behalf of my older constituents that medical marijuana has helped them get through some very rough times, going through chemotherapy and radiation treatments. On the other hand, I also have a constituent who blames marijuana for the death of a relative, who started on marijuana and who went to harder drugs. However, I have not yet found any scientific studies that prove that link.

In doing research for this testimony, I found numerous articles on both sides of the issue. Although I realize there are some very legitimate concerns, including most notably the contradiction of current federal law, but I will list some of the reasons to consider the legalization of marijuana that I found in my research. Prohibition has not worked to eliminate any so-called drug problems associated with marijuana. Education and treatment are far more cost and outcome effective. Marijuana's medical use helps stimulate appetite and relieve nausea in cancer and AIDS patients, a use we have already legalized in Maine. The hemp plant is a valuable natural resource and legalization would allow us to take advantage of hemp's agricultural and industrial uses without the current confusion surrounding hemp. Another bill this session, LD 525, which promotes this use, has a Divided Report and has not yet come out of the Ag Committee. Apparently, there are some religious uses which brings in the aspect of the First Amendment of the U.S. Constitution. I'm not familiar with those religious uses, but I guess they are out there. Legalization would significantly reduce enforcement and incarceration costs. Legalization and taxing would generate much needed revenue for the state and, as has been previously stated, several states have already legalized marijuana. For these reasons, I believe this bill is worth being given careful consideration by the people of Maine by referendum. If they approve, the Legislature would then have the oversight of the rulemaking and regulation process. Thank you.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Grant.

Representative **GRANT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the pending motion. For me, this is a public health issue. In my career, I've spent a lot of time as a member of community antidrug coalitions around the State of Maine and I can tell you for sure that there is research that shows that marijuana is in fact

a gateway drug and it is in fact used by teens in this state. Access is a major risk factor for teen usage. We have not designated in law that marijuana is a medicine, it is a drug used for pain, and so is oxycodone and so many other drugs that are diverted into recreational use. We would be speaking out of both sides of our mouth to call this a medicine and also say, oh, let's use it recreationally. I assure you that passing this out to the voters to decide comes with your approbation, whether in fact or just perception. If the people want to legalize this addictive drug, then they will do so through a grassroots effort. We'll deal with it then. I have seen lives destroyed by addiction. We live in an addictive society. Why do we want to add one more substance to the list of legal addictive substances? Let's not put another nail in the addiction coffins of so many of our citizens. I raised my kids to say no to drugs and I am saying no to this drug. I am not ready to raise the white flag on yet one more opportunity for lives to be destroyed. I ask you to please follow my light and make it green. Thank you.

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a hard decision for me. In one regard, I am absolutely adamant that any time we have the opportunity to put something out to the public and the people of the state to make the decision, we ought to do it. However, I have real concerns about just putting out the referendum saying, "Do you want to legalize?" and then retaining legislative control to craft and to implement. In 2009, the people of the state, the citizen's initiative to expand our medical marijuana law, the past Executive of this state, Governor Baldacci, he signed an executive order and he asked the Legislature to craft rules and implement the citizen's initiative while keeping the intent that the citizens passed. Unfortunately, that didn't happen. There was a lot of creativeness during the 124th while implementing the citizen's initiative, and this creativeness, I spent a tremendous amount of time in the 125th trying to fix. Quite honestly, I don't trust us to do what the people would find acceptable on this. Because of that, I'm going to vote for the pending motion right now. I fully believe the citizens of this state have the right to make a decision, okay. But I will fully support one hundred percent the citizens doing their own initiative, crafting their language and then we implement their intent, not saying "Do you want to?" and then we deliver how we see it should be. I think we're kind of going about it the wrong way here, so I am going to support the pending motion, Ought Not to Pass, on this one, and I look forward to the citizen's initiative in a year or two. Thank you.

The SPEAKER: The Chair recognizes the Representative from Pittston, Representative Marks.

Representative **MARKS**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I served my career in law enforcement and spent a good amount of time working to shut down the trafficking of drugs, including marijuana. You've heard about the helicopters that search the rural areas, well, I was the guy leaning out of the helicopters with that cheesy little seatbelt. I was a soldier on the war on drugs. Needless to say, I do not support the legalization of marijuana. The good Representative from Portland, Representative Russell, provided ample data to challenge the lifetime of my views, but I still can't agree that this is a good idea. That is why I voted against LD 1229 in committee. Just a quick story. Last year, while campaigning, I was standing on the back deck of a man's house who knew me. There was a five-foot plant over in the corner. I looked at it and I said, "Nice tomato plant." I didn't want to make him any more nervous than he already was. On further

reflection, I've come to realize that this is not a bill that would legalize marijuana. This is a bill that would ask the voters of Maine to decide whether or not they want to do so. While I do not believe legalizing marijuana is good policy, I totally believe that people should have the right to decide on this issue. That's the issue before us today and that is why I am changing my committee vote and will be opposing the current motion today on the floor. Let's let the people decide. Thank you.

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

Representative **LIBBY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I do rise in opposition to the pending motion. I do not rise to support drug use or drug abuse or alcohol abuse or any other abuse that may or may not be good. But when we look at this, morality should be educated, it should be taught, not dictated by any government body. Any time that you can educate somebody is to be a much better entity than preaching to them or dictating to them, i.e., forbidden fruit. Now probably out of all the issues that we've dealt with, this is one of the ones I've heard the most on from my constituents. Doing door-to-door, there has actually been a couple of times that I had to go home and change after knocking on certain doors, because I didn't want to then go to the next door thinking that it was actually my usage of something that made my smell, the cologne, a little bit different than I had on previously. I mean, even though this is illegal, I mean there is people that obviously are doing this. The fact that to regulate, you know, we regulate tobacco. There is this whole alcohol/liquor contract thing. So we do regulate a lot of these things and this is just as previous speakers have said, this does put it out to the vote and I really do believe that sending this out to vote for November 2013 is the best that we can do today. On that, I would, Mr. Speaker, request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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 Windham, Representative Tyler.

Representative **TYLER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am on the Majority Report; however, today, I rise to stand against the pending motion. The Minority Report is simply an opinion poll by the voters of this state. I will be honest, when I go to the ballot box this fall, in November, if we pass this, I will probably be voting no. I am still against the regulation of marijuana, but I think the people deserve a chance. Like my good friend from the Criminal Justice Committee, Representative Marks, I think the people deserve this vote. Let them make their opinion. It still comes back to the Legislature. Nothing is legalized by the vote. It is only an opinion poll. Let the people of Maine decide. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Wilson.

Representative **WILSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, too, serve on the Criminal Justice and Public Safety Committee and I appreciate my colleagues weighing in on this. I do not support the pending motion today, though it was something that I wrestled with and, in committee, I struggled to know, well, to think. Well, really I was saying to myself "Corey, do you really want to get involved in this? Do you want to weigh in on this?" Ultimately, I felt that, at the end of the day, I had to. The reason why I oppose the pending motion is because I feel in my heart that we are doing very little to stop this as it is. It's so causal that

we can even joke in this body and laugh a little bit to each other about it, because I would suspect that almost everybody in this room knows a handful of people, at a minimum, who smoke marijuana. We are not cracking down on it, and we've seen, as a result of trying to crack down on it, a black market that is booming and a black market that is fueling death of many people. Let's think about Mexico, the country of Mexico for just a moment here, and think about how many people are killed each year as a result of the drug trade. Prohibition is a failure. I'm not afraid to admit that. I think marijuana usage is, quite frankly, ignorant. I do not agree with smoking pot. I don't. That's my personal opinion. I recognize that others share a different view and that the black market is alive and thriving. I recognize that it is harmful to a lot of folks. This black market is really endangering the lives of a lot of people.

Furthermore, I recognize that we spend billions of dollars a year trying to enforce this black market industry and we're doing nothing. We are not stopping it. It is casual. Look at us today. We are laughing and joking about it. Despite our efforts, despite law enforcement's best intentions, we are not stopping it. So that's why I oppose this motion, that and a number of other reasons, but I really think that we should be collecting taxes on the use of marijuana. I believe that because I think that we should using those taxes to fight off more illicit drugs or other illicit drugs, drugs that are more harmful, prescription painkillers. I really believe that that's where the problem is. Heroin usage. Drugs that kill people. We don't have funds right now to fight off those drugs, to help get treatment options for them and I think that's where we should be focusing, not on a drug that doesn't actually cause any death to any member. Whether it causes harm, that's debatable. I'm not going to have that argument today. I don't support the use of marijuana. I do think that it should go to the voters. I encourage you to vote red on this motion, so that way we can talk about other motions that will hopefully come before this body. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Rykerson.

Representative **RYKERSON**: Thank you, Mr. Speaker. I rise to speak against this motion. Men and Women of the House, I could speak for a while on the thousands of years of the history and the culture of marijuana, but we do have the people's work to do so I won't. I would like to say that how could we have the arrogance to tell the people that they don't have the say to vote on a referendum here, and how could we be so hopeless that we could not implement their wishes. So I urge you to vote no on this motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Freedom, Representative Jones.

Representative **JONES**: Thank you, Mr. Speaker. I rise reluctantly, but my good friend, the Representative from Augusta, just tweaked me a little bit. I felt I had to respond. For those of us that represent poor, rural districts in this state, quite frankly, Men and Women of the House, marijuana is as good as currency. It's money in the bank. Any state's attempt to regulate and tax that would, quite frankly, rob many of my constituents, and I'm sure, in your district as well, rob them of their prosperity. Marijuana is an agricultural commodity, okay, and it's a source of wealth and income in my community. I will say also it's inappropriate to bring this measure before the voters because the legislation is not right. In other words, if we move this legislation before the voters and they send it back to this House or to the Legislature and say, "Now write the laws," we might end up with a Legislature writing laws that look like the original laws that went before this committee which were entirely, quite frankly, inappropriate and would not provide access to those regulated

markets that my constituents, farmers you could call them, that they need. In other words, the time is not right without formalized, well-drafted legislation to go to the voters, because if we go to the voters and say, "Do you want to approve and regulate and tax marijuana?" and send it back to the Legislature to write the laws, we might as well be where we were at the beginning of this session with a fatally flawed bill. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Cooper.

Representative **COOPER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just quickly, whether or not this initiative proceeds by a legislative bill or a grassroots initiative makes no difference in the end. It's a piece of legislation that can be amended by this body just the same. There is no legal significance to the way it comes about, so it does not constrain our control over the matter one way or another. Second, I'd like to remind people, of course, I'm sure you're aware of this, that possession and sale of marijuana continues to be a federal offense and it is unlikely to be changed any time soon. So federal efforts, particularly in the matter of controlling importation of large amounts of marijuana across the border, and so forth, will continue unabated. That is not going to change because of this referendum or the referendum in any other state. Finally, I do think that there are studies, and I've seen them, that show that marijuana use, particularly heavy use, in teenagers has a lasting and debilitating effect on the formation of their brains. Their brains are still in a state of development at this time in their lives, unlike when I was, well, never mind. We were all older, let's just put it that way, if we decided that we wanted to experiment. But 15, 14, 13, 12-year-olds, they don't have the judgment nor do they have the developmental stage of their brains in order to withstand the toxic effects of this substance. So for all those reasons, I will vote Not to Pass. Thank you.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Plante.

Representative **PLANTE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I stand in support of the current motion. I'd like to bring forth a few comments on the matter. We extensively debated this issue, both in work session and in what we heard from the public during the discourse on the matter. For the record, three to four times is the potency level increase in marijuana currently that is available today, versus what was 20 to 25 years ago. We see that in 12 year-olds receiving substance abuse treatment that the largest percentage is for marijuana use. Twelve years old and up. Sixty-one percent of all people who abuse or were addicted to illicit drugs were dependent on marijuana. Now, we've taxed cigarettes and liquor and we've seen that that has not stopped the usage of it, and the idea that we see it as a way to bring in revenues to pay for the services that we want to use those revenues for, such as tobacco taxes for the Fund for a Healthy Maine. We continue to discuss how to bring in more funds for that to allocate for the programs we want it to fill, but we never have enough. Now to use marijuana as an example of what we can do to bring in more funds, the same will happen as what is happening currently with the tobacco tax. It's just inevitable. For the record, we have no test available that is the same as the blood alcohol content test when it comes to impaired driving based on liquor intake. If you legalize marijuana, the reality is we don't know how to properly assess it when it is being used in an illicit way. I urge you to follow my light and support the Majority Ought Not to Pass motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Eddington, Representative Johnson.

Representative **JOHNSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today mainly because I'm just sore and tired of sitting here. I've been hearing the argument that we need to put this out to the voters. Mr. Speaker, I'd like to make a motion that we put all of our business ahead of us out to voters as well and we can adjourn at this time. We were sent down here to do a job. We are Representatives of the people. Let's represent the people and vote. I vote for the pending motion. I urge you all to do the same. I had something else, Mr. Speaker, but I didn't get to finish my notes, so you will have to forgive me because I'm getting forgetful with this Lyme thing. Thank you very much for your time.

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

Representative **CAMPBELL**: I'm sorry to rise a second time, but thank you, Mr. Speaker, and Ladies and Gentlemen of the House. I would just like to remind my colleagues on both sides of the aisle that we are lawmakers, not lawbreakers, and the Federal Government says that marijuana is illegal and they should be taking a tax for not enforcing it and letting these states, that some of our legislators have said, that have legalized it, so you can lay in the hammock now and smoke pot and be a pothead. The Federal Government should be taking a tax for letting these states get away with it. I want to ask each and every one of you, who are mothers and grandmothers, do you want to go home and tell your children that you support that when they are 21, they can become potheads? I don't think you do and I ask you on both sides of the aisle to remember that you are promoting breaking of the law. Follow my light and do away with this.

The SPEAKER: The Chair recognizes the Representative from Norridgewock, Representative Dorney.

Representative **DORNEY**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative **DORNEY**: Thank you, Mr. Speaker. I just have a question which is if you put a vote out to the people, do you have to do a two-thirds majority here or is a simple majority enough?

The SPEAKER: The Representative from Norridgewock, Representative Dorney, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Russell.

Representative **RUSSELL**: Thank you, Mr. Speaker. I rise to answer the question. In the first vote, it requires a majority vote. In the second vote, I believe it requires a two-thirds.

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

Representative **DION**: Good afternoon, Mr. Speaker. I am confused. I am the only one; I think I maintained my vote from committee. Nothing has changed. The question remains a federal question. This isn't about marijuana from medicine and carving a humanitarian exception to the federal rule. This is about marijuana for fun and I don't say fun in a negative way, but those who vote yes use the nice word "recreational," whatever that might mean. I also react to my good friend from Farmington. Whether or not the war is over is again a question that can't simply be answered in this hall. Much as I rail against municipal officials who issue edicts on foreign policy, I think the question of national drug policy is best reconciled in a hall, in a place not in this city. We can raise our question and hope that they answer, but I'm sure that it occurs here. This bill was stripped from 28

pages of assumptions down to its last question. Should we ask the public whether or not they favor the use of recreational marijuana, and if so, we would direct the Executive to do a study? My answer on committee is that this question is premature. I don't believe in the inevitability that outside parties are racing to Maine to spend money, and if they do, so be it. This body should not react on speculation. My good colleague of the sponsor of this bill has foresight that has much more clarity than I do. I can only deal with the immediacy of the problems that this body is facing and they are hard questions to answer. It would be popular to say, "Oh, my God, I'm confused. I'll send it to the voters so they can deal with it." But I agree with the other gentleman. We are Representatives. We have a charge before us. We need to answer the question that was placed before us and the committee has given you our best impression of what should happen. Maine has been a progressive state on this issue in managing marijuana in the criminal justice field. We have decriminalized, not legitimized, the presence of marijuana in our society and I agree with the good gentleman from Farmington this is a sad state of affairs. We are, unfortunately, an addicted society, yet we do not provide the resources currently for the drugs that plague us to deal with that question and yet with some much humor and casualness, we are willing to just dispense of this question and send it off to the people so possibly we can be rid of this question, once and for all, and it will be legalized and we'll move along quite nicely.

The other part of this bill, which really hasn't been spoken to this afternoon but was so seductively attractive in committee, was the idea that it would provide all of this revenue. As we sit here starved for resources confronting hard budget decisions, the illusion of that much more revenue is so attractive. We don't need an extend study. There was a sheet provided to you on the experience of the State of Washington. We would become a sore state. You talk about Latin America. We'd become Mexico to New Hampshire, Massachusetts and Connecticut, and they to us, once we decide what an excise tax would look like. But that would be moving too fast and too quickly in reaction to what may or may not be coming. I ask you to follow the light of the committee in its judgment that this question is premature, it's ill-timed and there has not been a concerted effort from the citizens demanding us to answer this question at this time. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Buckfield, Representative Hayes.

Representative HAYES: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. I rise as a cosponsor of this bill and I am reminded as I listen to those who spoke before me on this matter that reasonable people really do differ, and this is probably one of the best examples of that, at least of late, as I've listened to your prior comments. One of the lessons I've learned in my seven years here is that when we wait for a citizen's initiative, we are in fact allowing interest groups or special interest to write more of the regulatory environment under which they will operate. I support – well, I am in opposition to the pending motion but would like to get to the Minority Report because I believe what it will do is allow us to do our jobs. We ask those folks who live in Maine and vote in Maine "Do you want to legalize this?" and if they vote yes, we retain the authority to decide whether we will tax it, how we will tax it, whether it needs to be regulated beyond that. If we wait, there will be a citizen's initiative and, you know, when we get those, there is one little question on the ballot and there is usually somewhere around six to 12 pages behind that little question written in 6 point font that are the details. Use the casino example in Oxford County. That was a ballot question. It was one sentence with a question mark

at the end and you got to vote yes or no. There was I don't even remember the number of pages that followed that that explained how it was going to be implemented and how the money was going to be distributed. That bill was written by casino advocates. Do we want to wait for the special interests to write the laws around this or are we willing to reserve that right by putting this issue out for the people? If they vote yes, then it's our job to figure out how to do this and, frankly, I don't want to back away from that, and I don't want to wait and let special interests write the laws for us.

I support putting this on the ballot in 2013. I will live by the decision of Maine voters. If they vote it down, we're done. There may still be a citizen's initiative, another one in the future, we'll have to deal with it when it comes up, but when a citizen's initiative comes to us, we don't have the opportunity before we put it out to the voters to amend it. We get an up or down vote and it's going to go out if they get the signatures. This, to me, is the most responsible way to do this and I appreciate the opportunity to cosponsor the bill. I prefer it in its morphed stage in the Minority Report. I would urge you to vote red on the pending motion and give the voters of Maine the opportunity to allow us to do our jobs in the future, should they choose to pass such a referendum. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Brooks.

Representative BROOKS: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. When I came down here, a lot of folks told me that really there is only one thing that you bring with you and that's your word. I have to make an apology to a very close friend of mine because I gave her my word of how I was going to go with this. Perhaps we should not allow debate on the floor because it has the tendency to make you listen to it. How can I support this bill? Well, there is maybe one reason I can't support it and you all know that reason. I am an addict, a recovering alcoholic. I told you all the story about my daughter. I pleaded with you to leave Suboxone and methadone alone because there are people out there who are suffering because of their addictions. So how can I sit here and say, okay, I'm going to vote one way which will allow it to, I'm going to vote red on the first vote and that will kill this motion and then I'm going to let it go to the people. I spent probably 10 years of my life, post my own recovery of alcoholism, meeting with people in aftercare. Many of those folks came to aftercare because they were alcoholics. Some because they were dual diagnosed. All of them, myself included, believed that this started out innocently. I started drinking when I was probably 14 with a buddy of mine whose father owned a bar. Two of my friends started smoking joints when they were about the same age. The reason that we did was because, in my case, I was told by a public television program – why at that age I was looking at it, I don't know – that in order to be an alcoholic, you had to drink every day for 10 years. It thought, well, heck, I'll drink every day for nine years and quit. My other friends told me the reason that they smoked then and some still do – pot, not cigarettes – is because it's not addictive and it's not as bad as alcohol. That's wrong. I can't stand here and tell you I have scientific evidence that says that pot smoking is addictive. Physically, I can't do that. But I can tell you that I know of a lot of my friends, me at my ripe old age of 70, who have died because of cancer, and we fight every day, at least I do, to try to convince people not to smoke and yet we are telling them today, if we legalize this, that it's okay to inhale pot and hold it in your lungs until you get the full effects of it. It sounds like I smoked, didn't I? No, I did once when I was drunk and I didn't notice the difference, so I never did it again. Of

course, I wouldn't have noticed the difference being drunk, I guess.

I have to stand here and tell you that I sat, last night, thinking about this bill an awful lot and thinking about all the people that I have known over the years that have fallen into some kind of an addiction, and I thought, "What kind of reception would I have if I moved to Indefinitely Postpone this bill and all its papers?" Well, what difference would it make? I could just vote green on the first vote and maybe that will have the same effect. I'm not sure that it will and I'm not sure that it won't, but I'm not going to go home, either today or when that bill comes back to us, and say that I voted to legalize marijuana, not after all these years of trying my best to keep my family off drugs. The question that I ask and I continue to ask and will continue to ask myself and my friends, why do you need to do it? What is there in alcohol and drugs that relieves you of today's issues and problems? Why do you need to get high? Why do you need to alter your thinking? Why do you need to huff cans of paint and sniff glue? Why do we do that? Why can't we, and I know it's trite, I know it's awful, and I know I rejected it for a long, long, long time, but why can't we be high on life? Why can't we just accept life, deal with our issues and deal with our problems, without some artificial means of feeling high, using OxyContin or pot or alcohol? I just haven't got an answer for that and the only answer I can tell you is that I've been sober for 33 years and I've never had a slip, and look at me today. If you could have seen the tape of me 35 years ago, you would have said, "He will never be standing in this House because before he is done, he will burn up his liver and he will be found on the side of the road, after he wet his pants and was headed for some place where he will die," but I managed to get through it. I hope that if this is the consequences of using anything, that that is the life that people lead, that we aren't one of the early states that legalizes it. Again, I don't have an scientific information to back this up. I just have a great fear that we are opening up another area where we are condoning some kind of substance use that really isn't good for us. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Johnson.

Representative **JOHNSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I did not intend to talk on this bill, but I do want to make a couple of points. This is against federal law. We know that. We also know that we have a huge drug problem in the State of Maine. I am sort of a single focused guy and I go around pretty much on one subject at a time, and about a year and a half ago, or two years now, it became evident to me that the family that I am very close to were complaining about a drug problem in their neighborhood. I started to say, "Well, let's get a hold of the police. Let's get this thing cleaned up and move on." Well, it's been a year and a half and it's still not cleaned up. People have gone to jail. Some for short times, some got out, some came right back. This is a problem that is not necessarily just marijuana, although there is marijuana involved, and there are other hard drugs involved. The people that are coming here are from out of state. They come from New York and Pennsylvania, and they come to Maine because Maine has some of the most relaxed penalties around. They come here to make money off our kids. So I am concerned about this family that lives on a dead-end road with a small child that has to go out every day and confront this, and I have decided that this summer I am going to try to get the law enforcement community and the judicial community and the legislative community to address this problem so our children don't have to be involved with it. Now, is this going to be easy? No. In the case of marijuana, as my good friend said, the war is lost. Well,

it's not lost in my home and it's not lost in my heart, and I am not going to vote to legalize it on any occasion.

The SPEAKER: The Chair recognizes the Representative from Limington, Representative Kinney.

Representative **KINNEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. For me, this is a very tough issue. I need to think back to post Vietnam. I need to think about the Iran Embassy. I need to think about the helicopters that left our carriers and headed in to try to rescue, I believe there was 50 people. I remember the helicopters crashed and I wonder why they crashed. I bet the pilots were excellent, but there were equipment failures. Why did the equipment fail on those aircraft? How many of those mechanics were stoned, wasted? I wonder about that. I really thank President Reagan, 1981, Operation Golden Flow; we're going to clean this up. But prior to him cleaning this up, the great Coast Guard cutter Bibb, 327 feet. We'd been out to sea for three weeks. I would make a round as the bosun's mate of the watch. I would start for the fantail. And there I could see the sparks going off the fantail, 30, 40, 50 people. A crew of 140, 30 of them out there stoned. I would go up onto the flying bridge to check on the lookout. He is the one to ensure that we were making safe passage. I would walk up there. He's not looking forward. It's only 10 or 15 degrees out. There is an awful wind chill factor. He's behind the stack. He's just back there smoking a joint.

Thank heaven President Reagan came along. It was hard at first. We had a lot of positive tests, but he prevailed. And then came Iraq, 1991. Our military was cleaned up and our people fought and they did a fantastic job. So we can move forward with this and I'm neither for nor against, I'm very confused on this, but what I think about now is I think we move forward and we're going to pass this or we're going to let the people pass this and we're going to tax it. So as I think about that, I think about getting my automobile fixed and in the auto mechanic's, they're all in there smoking pot, and then my car doesn't run right. Or I think about the teachers and they run out and they take a break between teaching classes so they can get stoned like, was it those Chrysler people that were building the automobiles in Detroit? Or I think about the public service people, or what about the truck drivers or the clerks in our stores because now they can't even count change, so you give them the \$20 bill for a pack of gum but you only get a dollar back. So thank you, Mr. Speaker, but for me this is a very confusing issue. I don't like it. I lived with it in the military. I don't even want to talk about the amount of bales that I picked up out of the water. I think that's irrelevant. Thank you very much, sir.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Lajoie.

Representative **LAJOIE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, again, like the former Representative, I did not plan on standing; however, I wanted to do so to back my Chair with regards as to the Majority Report which I was on. I was also on Representative Russell's as a cosponsor. I did it because I felt we needed the information and we needed to go through the process, and I want to tell everyone here today that I respect her greatly for bringing that forward. I also respect her greatly for bringing all the information forward that she did with regards as to the different regulations that have been established in the Washington area and Colorado, which I'm sure, in the future, if needed, would be a great help. Some of the things that were brought up, if we don't act now, we'll be behind the 8 ball. The more I listened to testimony this afternoon, the more it came to me that that's exactly why we're here today and every single day that we're here as Representatives, we're always behind the 8 ball no

matter what we try to do. The fact of the matter is we move legislation forward, whether it's regulation or tax incentives or taxes on products, which should this movement go forward without our okay and it is allowed to legalize marijuana, we still have an opportunity after the fact to put regulations and taxes on the product as we have on cigarettes and liquor.

One of my other situations is that legalizing the product doesn't necessarily mean, it will mean, possibly, yes, less prison time and so on; however, it will also mean, I believe, an increase in the use of the product because it's being legalized and therefore may increase the need for drug-related therapy, in which case will cost quite a bit of money. The other area that I was looking at is in taxes where we're trying to sell the movement based on the taxes that would be allocated through the product, and I don't disagree. We need the taxes, we need to move the state forward; however, breaking down those taxes that come in into the legalization of the marijuana and I would go into the area of regulation of the marijuana, which may be, in a sense, more costly than the taxes coming in and that would be both by rehabilitation and by regulation. So I understand that we want to be ahead of the curve and we want to put something out that would give us a direction as to where the people want to go. We have some idea right now by the different movements in other states, but I struggle with it greatly. However, I have to stay my course and stay with the majority, and I will be voting green on this particular motion here. But again, there is a lot to this and I really, really respect the individual that brought this forward. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 231

YEA - Ayotte, Beaulieu, Black, Briggs, Brooks, Campbell J, Carey, Casavant, Cooper, Cotta, Crafts, Dion, Doak, Dorney, Duprey, Evangelos, Fitzpatrick, Fowle, Frey, Gattine, Gideon, Gifford, Gillway, Goode, Graham, Grant, Guerin, Hobbins, Jackson, Johnson D, Johnson P, Jones, Kent, Keschl, Kinney, Knight, Kornfield, Kumiega, Lajoie, Lockman, Long, Luchini, Maker, Mastraccio, McClellan, McElwee, Moriarty, Nadeau C, Nelson, Newendyke, Nutting, Pease, Peavey Haskell, Plante, Pouliot, Rankin, Reed, Rotundo, Sanborn, Sanderson, Saucier, Shaw, Short, Theriault, Treat, Turner, Verow, Wallace, Winchenbach, Winsor, Mr. Speaker.

NAY - Beavers, Beck, Bennett, Berry, Boland, Bolduc, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Cray, Daughtry, DeChant, Devin, Dickerson, Dill, Dunphy, Espling, Farnsworth, Gilbert, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hubbell, Jorgensen, Kaenrath, Kruger, Libby A, Libby N, Longstaff, MacDonald S, MacDonald W, Marks, Mason, McCabe, McLean, Monaghan-Derrig, Moonen, Morrison, Noon, Parry, Powers, Priest, Pringle, Rochelo, Russell, Rykerson, Schneck, Sirocki, Stanley, Stuckey, Timberlake, Tipping-Spitz, Tyler, Villa, Volk, Weaver, Welsh, Werts, Willette, Wilson, Wood.

ABSENT - Beaudoin, Campbell R, Crockett, Davis, Fredette, Kusiak, Malaby, Marean, McGowan, Nadeau A, Peoples, Peterson, Saxton.

Yes, 71; No, 67; Absent, 13; Excused, 0.

71 having voted in the affirmative and 67 voted in the negative, with 13 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

House as Amended

Bill "An Act To Clarify the Laws Establishing the Department of Agriculture, Conservation and Forestry" (EMERGENCY)

(H.P. 588) (L.D. 837)
(H. "A" H-354 to C. "A" H-339)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-267)** - Committee on **VETERANS AND LEGAL AFFAIRS** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict the Voting Privileges of Persons Incarcerated for Murder or Class A Crimes

(H.P. 392) (L.D. 573)

TABLED - May 31, 2013 (Till Later Today) by Representative LUCHINI of Ellsworth.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

The SPEAKER: The Chair recognizes the Representative from Livermore Falls, Representative Knight.

Representative **KNIGHT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. This is my bill and I need to tell the folks here a little bit about the background. What this bill is not is part of a Republican conspiracy, which I've understood some people think it might be, the proverbial camel's nose under the tent as they say. This bill was presented to the committee on behalf - unfortunately, it was presented on behalf of a constituent of mine who has suffered the heinous crime of murder. In fact, within about 15 miles of my home, over the last 20 years, there have been three crimes of murder, vicious, brutal rape and murders. The sister of one of the victims approached me and said, I'm surprised that I didn't notice myself, that the man who murdered her sister still had the privilege of voting. Was that right? Did I think that was right? Of course, I said I did not, and I believe that the majority of people in this state would be shocked and surprised to find that people that commit that crime can continue to vote. In fact, probably before caucus on this issue, I would guess that the majority of the people in this room did not know the people who commit the crime of murder continue to vote while incarcerated. Maine is an outlier. Maine is but one of two states in this country that permits incarcerated murderers and rapists, who have been sentenced for capital crimes, to continue to vote.

I received an email which perhaps everybody to the right of me in the far rear of this building have both received. It wasn't really intended for me, I don't believe, and you will see why when I read you just a portion of it. The concept of one man, one vote has been a part of a democratic fabric since the U.S. Supreme Court passed the landmark decision *Reynolds v. Sims* in 1964. Historical patterns show that many Republicans, in Maine and elsewhere, attempt to chip away at voting rights by attacking the rights of those least capable of advocating for themselves. History also shows that these types of restrictions tend to be expanded and, in this case, could eventually encompass all prisoners, probationers and even ex-offenders and felony records, as is the case in some cases. Considering the statistics