

# MAINE STATE LEGISLATURE

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beginning at Page 1

of the bill, the version that's before us, had no objection any more to the version that the committee reported out.

**THE PRESIDENT PRO TEMPORE:** The Chair recognizes the Senator from Penobscot, Senator Cushing.

Senator **CUSHING:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to the pending motion. I'm concerned that we are, again, establishing a policy here and setting a precedent that is somewhat troubling. I recognize that there are federal regulations to protect the privacy of patient information. I certainly respect the desire of anyone to have their medical history protected so it cannot be an embarrassment or used in any way that may be adverse to them or in any way to threaten or hold them in a situation where they would be forced or coerced into doing something to prevent revelation of certain medical conditions. I do, however, Mr. President, have concerns when we establish a precedent here regarding a product that, again, is not being appropriately tested, without the regimens in place to assure that the potency that is being delivered is of the necessary quantity and appropriate nature for the individuals. I'm concerned when we are not holding people accountable for their participation in growing or in consuming a product that doesn't flow through some of the same safety considerations that we require other pharmaceuticals and medications, compounds and so forth, that are provided to people for their care and for the treatment of any chronic or other conditions that they may have. I think it's very important that we reflect on this. I can appreciate the department feeling that they are put in an awkward position. I think many of us feel in this debate we're being put in an awkward position. Even those who are supporters are, I'm sure, feeling some pressure and I respect that they have their reasons, but I just don't think it is appropriate, Mr. President, that at this point we launch off on a system that has not been appropriately addressed from its foundation. Thank you.

**THE PRESIDENT PRO TEMPORE:** The Chair recognizes the Senator from Androscoggin, Senator Brakey.

Senator **BRAKEY:** Thank you, Mr. President. I appreciate the thoughtful commentary of my colleague from Penobscot, Senator Cushing. I just wanted to clarify that having the records of patients and keeping that information private and DHHS not keeping that, that's already the policy. What this bill is, it's not a debate about whether or not the Department of Health and Human Services should be protecting the privacy of patients or not, or should be keeping records of patients or not. This is already the policy. All this bill does is fix some potential oversights in the implementation of that policy with some of the technology that's used at the department. That's all this does. If we want to debate whether or not we should be having this policy or not, that's a valid debate, but I would suggest that I think that's somewhat outside the scope of this bill because that's already the policy and this is just shoring up some of the glitches in that policy. Thank you very much.

**THE PRESIDENT PRO TEMPORE:** The pending question before the Senate is Enactment, in concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#261)**

**YEAS:** Senators: ALFOND, BRAKEY, BREEN, DAVIS, DIAMOND, DILL, DUTREMBLE, GERZOFKY, GRATWICK, HASKELL, JOHNSON, KATZ, LIBBY, MCCORMICK, MILLETT, MIRAMANT, PATRICK, SAVIELLO, VALENTINO, VOLK, WILLETTE

**NAYS:** Senators: BAKER, BURNS, COLLINS, CUSHING, CYRWAY, EDGECOMB, HAMPER, HILL, LANGLEY, ROSEN, THIBODEAU, WHITTEMORE, WOODSOME, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, was **PASSED TO BE ENACTED** and, having been signed by the President Pro Tempore, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

The Chair laid before the Senate the following Tabled and Later Assigned (6/11/15) matter:

An Act To Permit Medical Marijuana Cultivation by Incapacitated Adults

H.P. 505 L.D. 752  
(C "A" H-331)

Tabled - June 11, 2015, by Senator **CUSHING** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, June 9, 2015, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-331)**, in concurrence.)

(In House, June 10, 2015, **PASSED TO BE ENACTED**.)

On motion by Senator **CUSHING** of Penobscot, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

**THE PRESIDENT PRO TEMPORE:** The Chair recognizes the Senator from Androscoggin, Senator Brakey.

Senator **BRAKEY:** Thank you, Mr. President. I rise today in support of the Ought to Pass motion for L.D. 752, An Act to Permit Medical Marijuana Cultivation by Incapacitated Adults. This bill received unanimous support from the Health and Human Services Committee. Again, 13 Republicans and Democrats all supported this bill after intensive work on it. This bill allows a qualifying patient under the Maine Medical Use of Marijuana Act who is an incapacitated adult to possess and cultivate medicinal cannabis for his or her own use with the strong requirement that the patient's legal guardian, or the person to whom the patient has granted power of attorney for healthcare decisions, is

designated as the patient's primary caregiver. Also that primary caregiver must supervise the patient in any cultivation. The original bill did not include those protections. The Department of Health and Human Services raised concerns about the lack of those protections and so some of this amendment around the supervision by the patient's legal guardian came from an amendment suggested by the department and we felt, as a committee, that that was adequate and that those were thoughtful protections to put in place. Under current law, to qualify as a patient you must have a debilitating condition. Apparently, that will remain the case. These individuals are truly sick and suffering. This bill gives them an opportunity for relief and puts strong restrictions in place to protect them. Again, it must be supervised by their legal guardian or individual granted power of attorney who is their designated caregiver. I hope the Body will join me in passing this unanimous report. Thank you very much.

**THE PRESIDENT PRO TEMPORE:** The Chair recognizes the Senator from Penobscot, Senator Cushing.

Senator **CUSHING:** Thank you, Mr. President. I rise to ask a question to anyone who may answer.

**THE PRESIDENT PRO TEMPORE:** The Senator may pose his question.

Senator **CUSHING:** Thank you, Mr. President. I'm wondering if the individuals listed as recipients under this bill are currently prohibited or in any way denied the ability to access medical marijuana or be provided with the certification necessary in order to possess that?

**THE PRESIDENT PRO TEMPORE:** The Senator from Penobscot, Senator Cushing poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Haskell.

Senator **HASKELL:** Thank you very much, Mr. President. Thank you for the question. The answer is, they are not restricted to the ability to be able to take the medication. What they are restricted from doing is going into the location where the growing is occurring. This is the thing that we wanted to change. It seemed to be a very simple thing. These are family caregivers. Just to be able to say there's a certain part of the house you can't even walk into because that's where the plant is located didn't seem to make sense. That's why we did it. There are a number of different activities that an incapacitated adult in Maine could legally do and it just seemed as though there was no reason to restrict them from doing it. The answer to your question is yes, there is a restriction that we are looking to take care of with this bill. Thank you.

**THE PRESIDENT PRO TEMPORE:** The pending question before the Senate is Enactment, in concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#262)**

YEAS: Senators: ALFOND, BRAKEY, BREEN, DILL, DUTREMBLE, GERZOFKY, GRATWICK, HASKELL, JOHNSON, KATZ, LIBBY, MCCORMICK, MILLETT, MIRAMANT, PATRICK, SAVIELLO, VALENTINO, WILLETTE

NAYS: Senators: BAKER, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, EDGEComb, HAMPER, HILL, LANGLEY, ROSEN, THIBODEAU, VOLK, WHITTEMORE, WOODSOME, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, was **PASSED TO BE ENACTED** and, having been signed by the President Pro Tempore, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

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The Chair laid before the Senate the following Tabled and Later Assigned (6/11/15) matter:

An Act Relating to Marijuana Testing Facilities  
H.P. 728 L.D. 1059  
(C "A" H-345)

Tabled - June 11, 2015, by Senator **CUSHING** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, June 9, 2015, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-345)**, in concurrence.)

(In House, June 10, 2015, **PASSED TO BE ENACTED.**)

On motion by Senator **CUSHING** of Penobscot, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

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Senate at Ease.

Senate called to order by President Pro Tempore **GARRETT P. MASON** of Androscoggin County.

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All matters thus acted upon, with the exception of those matters being held, were ordered sent down forthwith for concurrence.

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The Chair laid before the Senate the following Tabled and Later Today Assigned matter: