

MAINE STATE LEGISLATURE

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State of Maine

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beginning at Page 1

am concerned about creating a statutory bar to disclosing such information to other officials where appropriate and necessary.

My main concern with this bill is that it does not have an exception for disclosing investigatory information to the Board of Overseers of the Bar ("the Board") or to law enforcement authorities should it be appropriate. Because the bill distinguishes between "evaluation" and "investigation," it is fair to conclude that the additional language is directed at the scrutiny of alleged misconduct, some of which should be reported. The bill should contain an exception for reporting to the Board upon the discovery of information that suggests violations of bar or ethics rules. Likewise, there should be disclosure exceptions for the discovery of criminal misconduct. While I appreciate wanting to protect attorneys who are willing to serve the indigent population, the law must also take care not to overly protect these attorneys from the natural consequences of their own misdeeds.

For these reasons, I return LD 360 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Clarify That the Information Gathered during Investigations of Attorneys by the Maine Commission on Indigent Legal Services Is Confidential

H.P. 247 L.D. 360

Comes from the House, 145 members having voted in the affirmative and 3 in the negative, the veto of the Governor was Overridden and it was the vote of the House that the Bill become law notwithstanding the objections of the Governor.

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2, of the Constitution, the vote will be taken by the Yeas and Nays. A vote of yes will be in favor of the Bill. A vote of no will be in favor of sustaining the veto of the Governor."

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#415)

YEAS: Senators: ALFOND, BAKER, BRAKEY, BREEN, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DILL, DUTREMBLE, EDGECOMB, GERZOFKY, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, MASON, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VALENTINO, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: None

EXCUSED: Senator: LIBBY

34 Senators having voted in the affirmative and no Senator having voted in the negative, with 1 Senator being excused, and 34 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

The Following Communication: H.C. 330

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

June 29, 2015

The 127th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 557, "An Act To Provide Reasonable Accommodations for School Attendance for Children Certified for the Medical Use of Marijuana."

This bill goes to extreme lengths to require local schools to permit marijuana on their premises. Not only is this bill an affront to local control by school boards, it leaves unanswered concerns that noncompliance with federal law might impact the federal funds that our schools rely on. This legislation would mark a significant departure from current drug-free school practices and deserves far greater consideration than this bill has received to date.

No state has yet adopted a similar provision to permit marijuana possession and use in schools. Even Colorado, a state that prides itself in allowing marijuana anywhere it possibly can, is only now voting on its own measure that would permit medical marijuana in school. New Jersey is close to passing a similar measure, but again, there is no precedent. No state has yet had experiences that we can learn from. What liabilities are we subjecting our Maine schools, students and parents to? What implications do the federal Safe and Drug Free Schools and Communities Act trigger? In the past we have seen State non-conformance with federal law result in an obligation for the State to return funds to the federal government, and I do not support legislation that creates the same risk for the future. While lawmakers in those states may be willing to put their constituents and finances at risk, it would be irresponsible to allow Maine to be the guinea pig in this uncharted territory.

For this reason, I return LD 557 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Provide Reasonable Accommodations for School Attendance for Children Certified for the Medical Use of Marijuana
H.P. 381 L.D. 557

Comes from the House, 112 members having voted in the affirmative and 35 in the negative, the veto of the Governor was Overridden and it was the vote of the House that the Bill become law notwithstanding the objections of the Governor.

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

Senator **BRAKEY:** Thank you, Mr. President. I'll do my best to keep my comments very brief, but I just wanted to speak very quickly about the importance of the vote we're about to take as a Body and how this affects some very real people. When this bill came up I shared a story with this Body of a constituent of mine. Her name is Cyndimae Meehan. She has a condition called Dravet Syndrome. She was diagnosed with this at 10 months old and has struggled with it for her entire life. It has caused her, throughout her life, to have upwards of hundreds of seizures a day. It's prevented her from living a normal life, from being able to have the normal, carefree life that we would hope all our children are able to experience, and her family has really struggled. No pharmaceuticals that are on the market worked for her. In fact, many of them made her situation worse and led to further damage. The only thing that has worked for her has been the medical cannabis program. Unfortunately, because of laws that are in place in the state, her mother has to make some very difficult decisions. For example, when the question comes up as to whether or not Cyndimae can attend school or go to a hospital for a condition because of areas where there are restrictions around medicinal cannabis as opposed to other forms of medicine. This becomes a life or death decision because her child has to be separated from the only medicine that works for her and her condition.

We make a lot of very difficult decisions in this Body. We take a lot of very difficult vote. Today, especially, we've made a lot of very difficult votes. For me, today, the hardest thing for me to do was to contact my constituent, Susan Meehan, and let her know that this situation they've had with the hospitals is not going to be resolved and that's going to continue to be a life or death decision for them. I just really hope that when we put lights up on that board that we think of Cyndimae and I would really, really love to not have to call Susan Meehan today and let her know that not only is her child not going to be able to go to a hospital without risking her life but she also can't attend school. Thank you very much.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Cyrway.

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I hear what Senator Brakey's saying, but I also spent most of my life dealing with drug addictions and also trying to deter drug addictions with children through the years and I've also worked with the Thumbs Up Program. It's a first time offender program for drug use for children in their teen years. I've received, just in this week, several e-mails from the Medical Association from Colorado. One says here, "Little evidence supports marijuana for medical use." The Epilepsy Society President says, "Side effects of aerosol CBD oils can be so severe no Colorado pediatric neurologist will recommend them." If we can't listen to our professionals who do we listen to? I respect the doctors and what the FDA has done and all our experimentation, whatever, and I have seen the results of drug abuse from marijuana use. They're saying that there may not be and may show good signs of the marijuana uses that Senator Brakey's saying at this point in that child's life, but later on the results can be very serious side effects. This is where the testing and all the results comes down to it. We really don't want to see our children harmed. I'm saying that this, when we're allowing it to be put into the schools, we're making a big change here. We really want to have the research to show this evidence to be really making the difference. We set precedence when we say that this is okay. Now we're saying that it's a medicine that's okay to use in schools. Now you're going to give the message to kids that this is a medicine. It really isn't. It's not. In the medical field, it's not a medicine. There may be one or two chemicals out of the 400 harmful chemicals that's in marijuana that might be able to be used, but let's use those and not say marijuana is okay. That's the problem. I just want to try to reason this and make sure that you make a good decision when you push that button. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Gratwick.

Senator **GRATWICK:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, just very briefly. I'm thinking that this is a veto we should not override. We've heard many times before the reasons that marijuana has to be further studied at the federal level. The recent edition of JOAMA, the Journal of the American Medical Association, actually has an editorial and, as just stated, pediatric neurologists, the people who really know about this, have written their articles in there. Specifically, the data that we have is really very low quality. You cannot practice medicine based on anecdotal evidence. There are great inconsistencies in the data that does come out. There are 150 to 400 different kinds of chemical within marijuana. They have not been well categorized. As you well know, interactions between medicines are very, very important and the long-term side effects are simply not known at this time. I think this is not something we should be promulgating in our society and we should uphold this veto. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Miramant.

Senator **MIRAMANT:** Thank you, Mr. President. Men and women of the Senate, we keep having folks rise and say that we don't have evidence to support the healthy aspects of cannabinoids, but they're willing to say that we shouldn't use them based on no evidence. We had a chance to vote for testing to

make sure that there's at least no impurities and they vote against the testing facilities to get more evidence. They say that these medical associations determine certain things but without any testing or evidence available except policy that was set 70 or 80 years ago by a hysterical Hollywood film that we still cite today for our anecdotal and hysterical lack of evidence for this. What we do have is a child. By the courage and wisdom of certain legislators and legislatures to step up and say that the U.S. policy is madness, that they're importing it around the world has created madness, and that there are numerous benefits to marijuana that have been proven in the few tests that have been done in countries that don't subscribe to hysteria and madness for setting policy or imprisoning people for life for making small purchases of marijuana in certain circumstances that we now determine to be okay. We have people constantly step up and say we shouldn't do it. Here's a student, here's a person, here's a child that has been put on this when nothing else worked and it worked. We don't need more proof than that. It works in that case. It works for some of these kids and it works for some of the adults and that's the only testing we're getting because we get such stonewalling about getting testing, about getting past the hysteria and ignorance. This is the kind of thing we can start to step up. The drug industry has taken over the allopathic medical world. These doctors have no problem prescribing drugs that take four pages in National Geographic to put all the side effects up. We have no evidence that the 400 compounds are dangerous. We just don't have the evidence. Let's help this kid. Let's help all these kids and provide a chance for them to go to school, to go to the hospital, and not suffer. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Millett.

Senator **MILLETT:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I was not planning on rising, but I feel like a number of our colleagues are debating a law that we've already passed. Maine has passed the Medical Marijuana Bill. The bill that's before us today is about allowing children who are subject to very harmful effects of fits of epilepsy on a daily basis. I want to assure everybody in this room that the Education Committee recognized the importance of this bill. We worked it very cautiously over numerous work sessions. We worked with Representative Sanderson to come to a position where here, in the Education Committee, we could feel comfortable with the fact that we were going to help children be able to obtain the education that they deserved and need. I, myself personally, have a lot of concerns about marijuana and the recreational use of it. I have not supported it, but this bill I support because these children are struggling. They're suffering and they need our help. This bill is a compromise. It's been worked on hard and I hope you will vote to override the veto. Thank you, Mr. President.

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2, of the Constitution, the vote will be taken by the Yeas and Nays. A vote of yes will be in favor of the Bill. A vote of no will be in favor of sustaining the veto of the Governor."

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#416)

YEAS: Senators: ALFOND, BAKER, BRAKEY, BREEN, DIAMOND, DILL, DUTREMBLE, GERZOFISKY, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, VALENTINO, VOLK, WILLETTE, WOODSOME

NAYS: Senators: BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGEComb, GRATWICK, MASON, SAVIELLO, WHITTEMORE, THE PRESIDENT - MICHAEL D. THIBODEAU

EXCUSED: Senator: LIBBY

23 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 1 Senator being excused, and 23 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

The Following Communication: H.C. 331

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

June 29, 2015

The 127th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 752, "An Act To Permit Medical Marijuana Cultivation by Incapacitated Adults."

Currently, the law allows for adults in the medical marijuana program, except incapacitated adults, to grow six plants for themselves. Incapacitated adults are allowed to have other individuals grow marijuana for them. This irresponsible bill would allow for incapacitated adults to cultivate their own medical marijuana. An incapacitated adult is defined in the Adult Protective Services Act as one:

who is impaired by reason of mental illness, mental deficiency, physical illness or disability to the extent that that individual lacks sufficient understanding or capacity to make or communicate responsible decisions concerning that individual's person, or to the extent the adult cannot effectively manage or apply that individual's estate to necessary ends.

22 M.R.S.A. § 3472(10). It is bizarre that we are encouraging adults with insufficient ability to make responsible decisions to grow marijuana. These individuals are at high risk of abuse and exploitation, and yet we are doing our best to promote