

# MAINE STATE LEGISLATURE

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**State of Maine**

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with the awesome task of representing all of our constituents. With this particular bill, life depends on the work that we do here. We could use a good night's sleep, and for the sanctity of life, I hope you will choose to follow my light. Thank you, Madam Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Durham, Representative Chace.

Representative **CHACE**: Thank you, Madam Speaker. I appreciate it. Men and Women of the House, just a few minutes. In reality, in my life as a pharmacist, this is a conversation that I've heard countless times, countless times. "I was washing my son's clothing and I found this in their pockets, can you please tell me what this is?" Or, "I was putting their clothes away and I found this, can you please tell me what this is?" Or, "I found this in their top drawer," or "I found this in their knapsack." And, many times, in my experience, this was factually either an amphetamine or an opiate. At that point in time, to support this Majority Ought to Pass, that is saying that, at that time, when that discussion is happening, and again I assure you this discussion has happened hundreds of times just in my career, what do you want me to do at that moment? If you want me to be able to talk with those folks about the uses of Naloxone, and quite clearly and effectively, I can do that; or we can wait and have a prescription. If it's 8:00 at night, it may be a couple days, but if you, as a parent, are willing to give that few days of chance, as opposed to your pharmacist being able to work with that parent right there, that is your choice. Thank you, Madam Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Scarborough, Representative Sirocki.

Representative **SIROCKI**: Thank you, Madam Speaker. I wondered if I might pose a question through the Chair.

The SPEAKER: The member may proceed.

Representative **SIROCKI**: Thank you. My question involves the age at which someone might approach a pharmacist and ask for a prescription. Is there any age limit or restriction? Thank you.

The SPEAKER PRO TEM: The member has posed a question through the Chair. Does anyone care to answer? The Chair recognizes the Representative from Biddeford, Representative Fecteau.

Representative **FECTEAU**: Current statute does not speak to any age, and we conformed to what current statute states.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Biddeford, Representative Grohman.

Representative **GROHMAN**: Thank you, Madam Speaker. I also just wanted to speak in favor of this. I have a constituent that I've known for many, many years who has a son that's struggling with substance use disorder, told me a story of reviving his son from a dosage that actually was known to have killed two other people. It's a very difficult thing. You could ask, "Why doesn't his son just get over it?" and I think it's a little bit like asking someone with diabetes why they don't just get over it. I think, unfortunately, where we are, it's important that in his case he keeps Naloxone in the house and has it at the ready, and this would enable that, so I will be voting in favor of this motion. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Durham, Representative Chace.

Representative **CHACE**: Thank you, Madam Speaker. I apologize for responding again. I just wish to answer the question that was posed. In the pharmacy rules, there is no indication within the rules themselves; however, we follow state statute, which is that there is a consent law on the books in Maine, and that consent law requires us only to be able to do

treatment of minors if they are either an emancipated minor, they are a minor that is in military service, they are a minor that is married, or if the Federal Government has made a provision for something to go over-the-counter, as they have with some medications.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 257**

YEA - Ackley, Alley, Austin B, Austin S, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Bickford, Blume, Bradstreet, Brooks, Bryant, Campbell, Cardone, Casas, Cebra, Chace, Chapman, Collings, Cooper, Corey, Craig, Daughtry, DeChant, Denno, Dillingham, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Foley, Fredette, Fuller, Gattine, Gerrish, Gillway, Ginzler, Golden, Grant, Grohman, Guerin, Haggan, Hamann, Handy, Harlow, Harrington, Harvell, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Lyford, Madigan C, Madigan J, Malaby, Marean, Martin J, Martin R, Mastraccio, McCrea, McCreight, McElwee, Melaragno, Monaghan, Moonen, Nadeau, O'Connor, O'Neil, Ordway, Parker, Perkins, Perry, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Reckitt, Riley, Rykerson, Sampson, Sanborn, Schneck, Seavey, Sheats, Sherman, Simmons, Skolfield, Spear, Stanley, Stewart, Strom, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Vachon, Wadsworth, Ward, Warren, Winsor, Wood, Zeigler, Madam Speaker.

NAY - Black, Espling, Farrin, Hanington, Hanley, Johansen, Lockman, Mason, Parry, Prescott, Reed, Sanderson, Sirocki, Stetkis, Sutton, Theriault, Timberlake, Turner, Wallace, White.

ABSENT - Frey, Grignon, McLean, Stearns.

Yes, 126; No, 20; Absent, 4; Excused, 1.

126 having voted in the affirmative and 20 voted in the negative, with 4 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-355)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-355)** and sent for concurrence.

An Act To Prohibit the Exclusion of a Patient from Eligibility for an Organ Transplant Based on Medical Marijuana Use  
(H.P. 544) (L.D. 764)  
(C. "A" H-328)

TABLED - June 5, 2017 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - **PASSAGE TO BE ENACTED**.

On motion of Representative HYMANSON of York, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-328)**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-328)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-427) to Committee Amendment "A" (H-328)**, which was **READ** by the Clerk.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Auburn, Representative Bickford.

Representative **BICKFORD**: Thank you, Madam Speaker. Can we have what House Amendment "A" is please?

The **SPEAKER PRO TEM**: The member has posed a question through the Chair. Would anyone care to answer? The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Madam Speaker, Men and Women of the House. House Amendment "A" merely removes one sentence in the bill. The substance of the bill and the intent of the bill does not change.

Subsequently, **House Amendment "A" (H-427) to Committee Amendment "A" (H-328)** was **ADOPTED**.

**Committee Amendment "A" (H-328) as Amended by House Amendment "A" (H-427)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-328) as Amended by House Amendment "A" (H-427)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

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HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-220)** - Minority (4) **Ought Not to Pass** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Increase the Penalty for Aggravated Sex Trafficking"

(H.P. 183) (L.D. 250)

- In House, Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** on May 17, 2017.

TABLED - June 5, 2017 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - Motion of Representative WARREN of Hallowell to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report. (Roll Call Ordered)

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I will remind everyone sort of where we were at in this debate before this matter got tabled. The conversation was about, essentially, the reclassification of sex trafficking, in regards to making this an aggravated sort of crime, to the highest level, so that prosecutors have that extra tool in their tool box to be able to use their prosecutorial discretion to decide on what to charge someone in any particular case. And again, in regards to this, this was a penalty particularly related to young people, those under the age of 18. In regards to the current motion on the floor, if we do not do this, it will stay at the current level, which I believe would be a Class B crime, punishable up to 10 years in jail. This would move it up to a Class A crime, which I believe

would be the appropriate place to do, and so I will be voting against the pending Minority Ought Not to Pass Report and I ask that you follow my light, and I ask the Clerk to read the Committee Report.

The same Representative **REQUESTED** that the Clerk **READ** the Committee Report.

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

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Hallowell, Representative Warren.

Representative **WARREN**: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House, again, this bill is not supported by the very folks just quoted by my friend from Newport. The Criminal Law Advisory Commission was created over four decades ago in order to keep track of our criminal statutes. It's a nine-member commission. There are defense attorneys, there are judges, there's a law school professor, and there are prosecutors. What they do not want is for us to make the criminal statutes unclear. When we make our criminal statutes unclear, we get the opposite result of what folks are looking for here. Again, CLAC is opposed to this bill, MECASA, the Maine Coalition Against Sexual Assault, is opposed, and I want to be clear, they are opposed to the amendment to this bill. I hope that you will please vote Ought Not to Pass. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House, and I apologize for rising a second time, but last I knew, it was the people in this body that set policy for the State of Maine. Not some advisory commission sitting in a back room talking about what they think is right. I respect their opinions, but it is the 151 people in this room that set policy for the people of the State of Maine. And I will not apologize for standing up for children under the age of 18, and this particular bill, that through no lack of their own, become victims of sex trafficking; victims of sex trafficking, not by their own choosing. And we have an opportunity to send a message for deterrence, that we will take this the most serious way that we possibly can as policymakers elected by our constituents in our individual districts. And I will not apologize for that. That this is an absolutely right thing to do. That we send a message that in no way should this be a lesser crime than a Class A crime than to involuntarily bring children in under the age of 18 in suffrage as sex trafficking victims. And the only way we do that is to vote against the current Minority motion on the floor, and I urge you to follow my light.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Presque Isle, Representative Stewart.

Representative **STEWART**: Thank you very much, Madam Speaker, Ladies and Gentlemen of the House. I just wanted to rise briefly. I disagree with the Representative from Hallowell. I think that this sends a very clear message, and it is very clear in our criminal code that we do not condone or support, and will take the most serious actions against, child sex trafficking, to protect our children and to protect future generations of Mainers. And I say that as an older brother, and I say that as a man who is watching what's happening across our country and what is coming into our state, and we need to take a stand here as leaders to send a very clear message that we will not at all support, in any capacity, and in fact will take the strongest action against, this most heinous of crime. And I feel that it does, in fact, belong in the most heinous of crimes category in our criminal code. Thank you very much, Ladies and Gentlemen of the House.