

MAINE STATE LEGISLATURE

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Director. The certification process is defined by program competencies that represent a body of skills considered vital to the effective management of an association. Areas of concentration include membership involvement, conference management, communication, image and media, industry partnerships, personnel management, operations management. Assessment of competence included a portfolio presentation and interview process by examination team. The team included key stakeholders in the SkillsUSA organization who reviewed Mr. Casey's credentials, conducted an extensive interview, and deemed the candidate competent. SkillsUSA recognizes how critical the State Association Directors are to the health and effectiveness of the organization. Mr. Casey champions SkillsUSA and CTE programming and services in Maine, delivers the message and mission through quality leadership. In addition, because the educational contributions at local, state, and national levels, as well as the significant educational positions held by Mr. Casey, he was presented the Outstanding - the National Outstanding Career in Technical Educator Award in 2017.

Now, it sounds like he's a one-man show. Men and women of the Senate, he is not. What Mr. Casey also does is brings in a student-led organization. Sits on top, oversees, but these conferences and the organization are student run. So, we've been colleagues for a long time, so I don't brag about him too much. I'm so pleased that he is here today and, frankly, he didn't know I was doing this to him today. So this is kind of a surprise to him as well. So he's here with all of the students that you see and there are some in the House as well. So this is a very well-deserved recognition. Thank you very much, men and women of the Senate.

The Joint Order was **PASSED**.

Sent down for concurrence.

THE PRESIDENT PRO TEMPORE: The Chair is pleased to recognize in the rear of the Chamber and in the balcony Harold Casey of Surry and the Maine SkillsUSA students who will be representing Maine at the National Competition in June. They are the guests of the entire Senate. Would they please all rise and accept the greetings of the State Senate.

The Following Communication: S.C. 972

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE**

6 April 2018

The 128th Legislature of the State of Maine
State House
Augusta, ME

Dear Honorable Members of the 128th 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 389, "An Act To Promote Access to Financial Institutions by Entities That Are Authorized under State Law."

This bill would allow a credit union organized under the laws of the State of Maine to obtain private share insurance in lieu of share insurance provided by the National Credit Union Administration (NCUA). The intent of the bill is to expand the availability of financial services for marijuana-related businesses and their employees.

When I took the oath of office as Maine's Governor, I swore to uphold the Constitution of the United States and the Constitution of the State of Maine. Marijuana remains illegal under federal law and I cannot in good conscience support this bill because it would serve to facilitate illegal activity.

It has not become easier for financial institutions to work with marijuana businesses. The current U.S. Attorney General recently rescinded Obama-era guidance that provided financial institutions some protection from prosecution when offering marijuana-related accounts. A privately-insured marijuana credit union would operate under this threat of federal criminal prosecution. This is an inappropriate level of risk for a state-chartered financial institution. Federal prosecution of the credit union, or its members, could end with the failure of the institution.

Currently, Maine credit unions with NCUA insurance are co-regulated by state and federal authorities, who examine credit unions for safety and soundness and compliance with applicable laws. The NCUA has strong and tested federal liquidation authority to protect credit union members in the event of a credit union failure, which would not be available to members with a privately insured credit union.

Further, there is no guarantee that a credit union with private share insurance would be able to operate in Maine. Credit unions need a Master Account at the Federal Reserve Bank in order to gain access to the federal payments system. Without access to a Master Account, a financial institution is unable to conduct the business of banking. A marijuana-focused credit union organized in Colorado attempted to gain access to the federal payments system two years ago, only to be denied a Master Account on the grounds that its plans to handle marijuana proceeds would violate federal law. It was only after the credit union changed its business model to exclude deposits from marijuana growers and retailers that it was allowed access to a Master Account. LD 389 is unlikely to solve the problem marijuana businesses have in accessing financial services. It is clear that a true solution to the problem resides with the federal government.

For these reasons, I return LD 389 unsigned and vetoed. I strongly urge the Legislature to sustain this veto.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Promote Access to Financial Institutions by Entities That Are Authorized under State Law

S.P. 130 L.D. 389

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

Senator **BRAKEY:** Thank you, Mr. President. I rise to encourage the Body to overturn the Governor's veto on this legislation. I just want to very briefly speak to one item that's mentioned in the Governor's veto letter. We had a long debate about the policy, this proposal, when it first came to us. But there's a suggestion in the veto letter that the bill may be unconstitutional and I just want to say, with much respect for the Chief Executive, I think his reading of the Constitution is a little different than mine. You know, in our State Constitution our powers, as a Legislature, are defined very broadly. Our powers are defined - you know, Article IV, Part 3, Section 1 of the State Constitution says the Legislature shall have full power to make and establish all reasonable laws and regulations for the defense and benefit of the people of this state not repugnant to this Constitution nor to that of the United States. That's how our powers are defined in the State Constitution. It's very broad. It essentially says we can set policy on any matter we choose so long as it's not expressly prohibited in the Constitution elsewhere. But in the United States Constitution it's the exact opposite for Congress. In the United States Constitution, in Article 1, Section 8, there's a very specific list of enumerated powers that we give to Washington D.C. and if it's not on that list the Tenth Amendment of the Constitution says the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people. Now, in the Chief Executive's veto letter he suggests because cannabis is illegal on the federal level, therefore, we have no jurisdiction and we should not be setting policy on this, that that is somehow unconstitutional. But that is a complete misreading. The Tenth Amendment says very differently. This is absolutely, that something is within our jurisdiction as the State of Maine to set policy on and, you know, some might say, 'Well, you know, the - what about the commerce clause in the U.S. Constitution? The interstate commerce clause gives the federal government authority.' But we're talking about State chartered credit unions doing business with State businesses who only do business with Maine people. That is intra-state commerce. Intra-state commerce is our prerogative here in the State Legislature. So, I think that we had the debate on the policy of this proposal before. I think that this Body agreed that this is good policy and I just say this is absolutely within our constitutional authority and I hope that we overturn the Governor's veto. Thank you very much.

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

Senator **CYRWAY:** Thank you, Mr. President Pro Tem. Ladies and gentlemen of the Senate, I just wanted to clarify that my colleague said that it was unconstitutional - it wasn't unconstitutional, but we do have a case where the federal government claimed that marijuana is not medicine. In *Gonzales v. Raich* in 2005 the United States Supreme Court held that the federal government has the constitutional authority to prohibit marijuana for all purposes. So I wanted to stand for correctness. Thank you, Mr. President Pro Tem.

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

Senator **BRAKEY:** Thank you, Mr. President. I'll be very brief. You know, there's a reason - when alcohol was prohibited there was a constitutional amendment passed in order to do it because the federal government, in the innumerate powers under Article 1, Section 8, has no authority to prohibit things like this. That's why a constitutional amendment had to be passed for alcohol prohibition and actually we, thankfully, not too many years later, came to our better senses and passed another amendment to repeal that authority. There was never a constitutional amendment passed to give the federal government this authority over cannabis. They simply don't have it and under our State and federal constitution, when there is - when Washington D.C. seeks to operate with a power that we have not given to them, State power comes first. Thank you.

The President Pro Tempore 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 overriding the veto of the Governor. 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 (#601)

YEAS: Senators: BELLOWS, BRAKEY, CARSON, CHIPMAN, DION, GRATWICK, HAMPER, HILL, KATZ, MILLETT, MIRAMANT, SAVIELLO, VITELLI, PRESIDENT PRO TEMPORE MASON

NAYS: Senators: CARPENTER, COLLINS, CUSHING, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DOW, JACKSON, KEIM, LANGLEY, LIBBY, MAKER, ROSEN, THIBODEAU, VOLK, WHITTEMORE, WOODSOME

EXCUSED: Senators: BREEN, CHENETTE

14 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 2 Senators being excused, and 14 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED.**

The Secretary has so informed the Speaker of the House of Representatives.