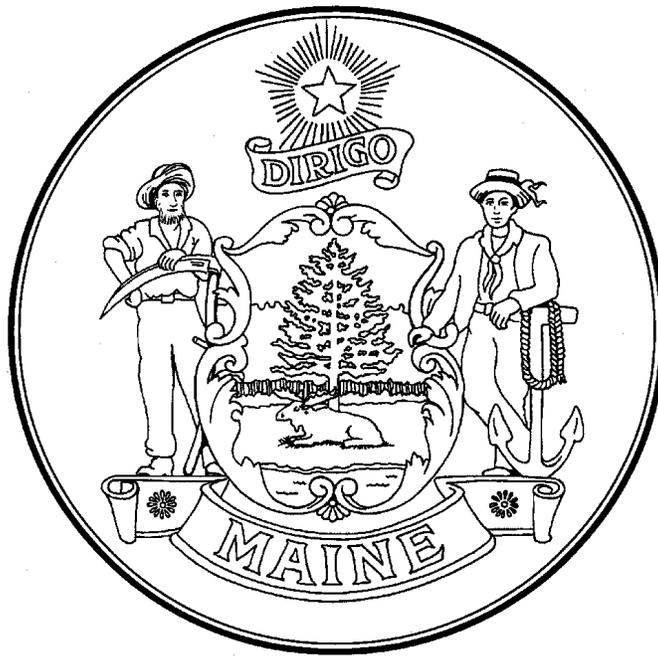


MAINE STATE LEGISLATURE

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

Daily Edition

Second Regular Session

beginning January 3, 2018

beginning at page H-1216

The SPEAKER: The pending question before the House is 'Shall this Bill become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 652V

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Devin, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Grohman, Hamann, Handy, Harlow, Herbig, Hickman, Higgins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Cebra, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Marean, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Seavey, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Battle, Sanderson, Sherman.

Yes, 80; No, 68; Absent, 3; Excused, 0.

80 having voted in the affirmative and 68 voted in the negative, with 3 being absent, and accordingly the Veto was **SUSTAINED**.

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

The Following Communication: (H.C. 528)

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

April 27, 2018
The 128th Legislature of the State of Maine
State House
Augusta, Maine

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 1719, "An Act To Implement a Regulatory Structure for Adult Use Marijuana."
Under federal law, marijuana is a Schedule 1 controlled substance. As a Schedule 1 drug, the federal government has deemed that marijuana has a high potential for abuse and has no currently accepted medical use in treatment in the United States. In Maine, doctors cannot legally prescribe marijuana to patients; they only "certify" its use. Possession of any amount of marijuana under federal law is a misdemeanor crime. In 2011, I took an oath to support the Constitution of the United States, and I cannot in good conscience support a law that, on its face, violates federal law.

Even if federal law were of no concern, there are other significant issues that must be addressed. This bill does not adequately address the failings of the medical marijuana program. It moved the oversight of the program from DHHS to DAFS, but then fails to truly integrate the two programs. The drafters of this bill chose to largely ignore the significant effects on medical marijuana of a recreational program—a program that still has different levels of regulatory oversight and a different tax structure.

As I have stated previously, a concurrent medical program with weaker regulation and a lower tax rate will undermine the regulations established by this bill. The two programs must be fully integrated. In the run-up to the 2016 referendum, the medical program saw a significant increase in the number of registered caregivers, as well as the exploitation of loopholes in medical marijuana regulations to broaden the sales base for medical marijuana, which has a much lower tax rate.

The need for policymakers to get this issue correct has never been higher. As this administration looked to other states that have legalized adult-use marijuana, we noticed a gruesome similarity. In the few short years since marijuana has been legalized by some states, those same states have seen staggering increases in motor vehicle fatalities resulting from marijuana impairment. After one of the worst years in recent memory for crashes, fatalities, and pedestrian fatalities, we should take every step to ensure safety on Maine roads instead of making them more hazardous. No branch of government has a monopoly on good ideas; if Maine is going to legalize and regulate marijuana, it will require our joint efforts to get this important issue right.

For these reasons, I return LD 1719 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,
S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE. Sent for concurrence.

The accompanying item An Act To Implement a Regulatory Structure for Adult Use Marijuana (EMERGENCY)

(H.P. 1199) (L.D. 1719)
(C. "A" H-733)

After reconsideration, the House proceeded to vote on the question, 'Shall this Bill become a law notwithstanding the objections of the Governor?' A roll call was taken.

The SPEAKER: The pending question before the House is 'Shall this Bill become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 653V

YEA - Ackley, Austin B, Austin S, Babbidge, Berry, Bickford, Black, Bryant, Campbell, Cardone, Cebra, Chace, Cooper, Corey, Craig, Daughtry, DeChant, Denno, Dillingham, Duchesne, Dunphy, Espling, Farnsworth, Farrin, Fay, Fecteau, Foley, Frey, Fuller, Gattine, Gerrish, Gillway, Ginzler, Golden, Grohman, Guerin, Haggan, Handy, Hanley, Harrington, Harvell, Head, Herrick, Higgins, Hilliard, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan J, Malaby, Marean, Martin J, Martin R, Mason, Mastraccio, McCrea, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Ordway, Parry, Perry, Pickett, Pierce J, Pouliot, Prescott, Reckitt, Riley, Rykerson, Sampson, Sanborn, Schneck, Seavey, Sheats, Simmons, Sirocki, Skolfield, Spear, Stanley, Stearns, Stetkis,

Stewart, Tepler, Terry, Theriault, Timberlake, Tipping, Tucker, Tuell, Vachon, Winsor, Wood, Zeigler, Madam Speaker.

NAY - Alley, Bailey, Bates, Beebe-Center, Blume, Bradstreet, Brooks, Casas, Chapman, Collings, Devin, Doore, Fredette, Grant, Grignon, Hamann, Hanington, Harlow, Hawke, Herbig, Hickman, Johansen, Lockman, Lyford, Madigan C, O'Connor, Parker, Perkins, Reed, Strom, Sutton, Sylvester, Talbot Ross, Turner, Wadsworth, Wallace, Ward, Warren, White.

ABSENT - Battle, Sanderson, Sherman.
Yes, 109; No, 39; Absent, 3; Excused, 0.

109 having voted in the affirmative and 39 voted in the negative, with 3 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence. **ORDERED SENT FORTHWITH**.

The Following Communication: (H.C. 530)

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

April 30, 2018
The 128th Legislature of the State of Maine
State House
Augusta, Maine

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 1063, "Resolve, To Reduce the Number of Substance-exposed Infants."

If bills truly reflected the title they are given, I would not be vetoing this bill today. I share the concern of the Legislature that Maine's youngest, smallest citizens not be exposed to damaging and addictive substances. It is unconscionable that nearly 10 percent of Maine babies are born today affected by drugs.

This bill mandates the Department of Health and Human Services conduct outreach to make sure providers and recipients are aware that Medicaid reimburses for both contraceptive counselling and the placement of long-acting, reversible contraception. The bill provides no resources for the Department to do this new outreach, and asks them to duplicate work that has already been done.

This bill is unfunded, it is duplicative, and it is not necessary. For these reasons, I return LD 1063 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 item Resolve, To Reduce the Number of Substance-exposed Infants

(H.P. 746) (L.D. 1063)
(S. "B" S-460 to C. "B" H-678)

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Hamann.

Representative **HAMANN**: Thank you, Madam Speaker, Men and Women of the House. I rise to urge you to vote green and override this veto.

According to DHHS, nearly a thousand babies are born drug-affected each year in Maine. I don't need to repeat myself, we all know it's a crisis, we all want to stop it. We also know there is an under-utilized program available that helps

women battling substance use disorder hold off on starting a family until they're clean. Nearly all women in this situation do not want to become pregnant. So, you have a population that doesn't want to become pregnant, because if they do their fetus and infant are at high risk, and at the same time you have a family planning benefit --

The SPEAKER: The Representative will defer. It's very difficult to hear in the House. Just a reminder that the House is in order. Conversations can be taken outside. The Representative may proceed.

Representative **HAMANN**: Thank you, Madam Speaker. At the same time, you have a family planning benefit, passed by this body in the 127th, that helps her avoid unplanned pregnancy. So, what's the issue? The program is under-utilized, and that's where this resolve comes in. The bill provides outreach to women at risk of giving birth to a substance-exposed infant. It raises awareness of the benefit before it's too late.

The veto letter states that the bill is unfunded, duplicative, and not necessary. During the public hearing, the Department indicated that they do not conduct targeted outreach in this manner for this purpose. So, no, the bill is not duplicative. Unfunded? Well, the bill, in its final form, had the fiscal note removed. That was because it was determined that the Department could perform this outreach by enhancing current efforts rather than contracting with an organization equipped to do this work. A fiscal note was no longer necessary; so, no, it does not come with a fiscal note or a cost to taxpayers. The letter says that the bill is unfunded, and that is why.

Again, the letter says it's duplicative, and that is incorrect. And, finally, the veto letter says it is not necessary. We have a thousand drug-affected babies born each year, but it's not necessary? If we aren't promoting the heck out of the most cost-effective solution, then we are not doing everything we can for the well-being of those families. Not necessary? Madam Speaker, over the years, you and I have spoken at length about my personal experience as a foster parent. I've fostered a number of kids, and the one commonality I found was that in every single case, the issue was heroin and poverty. Those kids' biological mothers struggled and their struggle --

The SPEAKER: The Representative will defer. A reminder to people in the gallery, the House is in order. The Representative may proceed.

Representative **HAMANN**: Thank you. Those kids' biological mothers struggled, and their struggle inspired me to bring forward this bill to help low income women battling addiction access the most effective method of birth control on the market. This benefit empowers them with the ability to make the choice that they already want to make: to avoid getting pregnant while still addicted. It's not the right time for them. Treatment needs to come first.

I raised one foster child from infancy and watched as he detoxed for the first six months of his life in my home. Watched as he grew up and his challenges became evident; challenges caused because his biological mother was addicted to heroin, and did not want to become pregnant, but she did, and when she did, she knew that quitting heroin cold turkey could cause her to lose her baby. At that time, she had limited options. This bill would have been there to inform her of her family planning options ahead of time. Instead, she lost custody of her third child for the same reason as the first two. Yes, she has regrets, but the good news is she's doing really well now that she's successfully in treatment. In fact, with her life back on track due to treatment, she has a job, stable