

MAINE STATE LEGISLATURE

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

Daily Edition

Second Special Session

beginning June 19, 2018

beginning at page H-1739

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 1915, "An Act To Clarify Which Municipalities May Receive a Portion of Day Use and Camping Fees from State Parks and Historic Sites."

LD 1915 is vague and overbroad. The bill is intended to resolve an issue that has arisen related to the collection and disbursement of fees from state parks to surrounding towns. Instead, it confuses and overcomplicates the issue. Furthermore, it has not had a public hearing and does not appear to meet the definition of an "emergency."

This bill applies to "all municipalities that have any lands classified by the director as parks or historic sites under jurisdiction of the bureau within their boundaries." Because it is written so broadly, the bill includes municipalities containing at least one of approximately 300 boat launches, all municipalities with a state-owned rail trail and municipalities with undeveloped land, none of which contribute revenue to the general fund.

Furthermore, the bill sets up a new conflict that would allow certain municipalities to "double dip" in fee collection. Municipalities that operate state parks under a management agreement whereby the municipalities retain all fees collected do not send park fees to the general fund. However, LD 1915, because of its vague and overbroad wording, mandates that those same municipalities be paid a second time from the general fund.

Last, the bill does not define a municipality and leaves open to interpretation the inclusion of plantations, townships and other unorganized forms of government.

I cannot support such last-minute, overbroad, and vague legislation. We can do better to resolve this issue. For these reasons, I return LD 1915 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 An Act To Clarify Which Municipalities May Receive a Portion of Day Use and Camping Fees from State Parks and Historic Sites (EMERGENCY) (H.P. 1357) (L.D. 1915)

The SPEAKER: The Chair recognizes the Representative from Brooksville, Representative Chapman.

Representative **CHAPMAN**: Thank you, Madam Speaker, Friends and Colleagues of the House. I had the pleasure of speaking with the Commissioner a few days ago who was gracious enough to talk with me about his concerns and echoed by the veto letter from the Chief Executive. I just want to make it clear that the alleged difficulties with the legal underpinnings of the park fee revenue-sharing system are not caused by this bill. This bill clarified a matter that the Department chose to reinterpret a couple months ago and puts us back to where we were a couple months prior to this, in which the understanding over the last several administrations was that municipalities that had parks or historic sites would share in the revenue sharing from the park fees in order to; and it's done on a formula basis involving the area in shoreline frontage in order to compensate for tax revenues lost by state parks and municipalities. I note finally that both this administration and the last administration has had many opportunities to correct other deficiencies, and I don't object to the interest in correcting potential other deficiencies, but they were not caused by this bill; and this bill is a necessary one. Thank you, Madam Speaker.

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. 725V

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Beebe-Center, Berry, Bickford, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Corey, Daughtry, DeChant, Denno, Devin, Doore, Dunphy, Farnsworth, 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, Marean, Martin J, Martin R, Mastraccio, McCrea, McCreight, Melaragno, Monaghan, Moonen, Nadeau, O'Connor, O'Neil, Parker, Perry, Pierce J, Pierce T, Riley, Rykerson, Sanborn, Schneck, Sheats, Sherman, Skolfield, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Timberlake, Tipping, Tucker, Tuell, Warren, Wood, Zeigler, Madam Speaker.

NAY - Austin S, Battle, Black, Bradstreet, Campbell, Cebra, Chace, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan, Hanington, Hanley, Harrington, Hawke, Head, Herrick, Hilliard, Johansen, Kinney J, Lockman, Lyford, Malaby, Mason, McElwee, Ordway, Parry, Perkins, Picchiotti, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Sirocki, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Turner, Vachon, Wadsworth, Wallace, Ward, White.

ABSENT - Duchesne, Fay, Harvell, Kinney M, McLean, Pickett, Reckitt, Simmons, Winsor.

Yes, 86; No, 56; Absent, 9; Excused, 0.

86 having voted in the affirmative and 56 voted in the negative, with 9 being absent, and accordingly Veto was **SUSTAINED**.

The Following Communication: (H.C. 580)

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

July 6, 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 1539, "An Act To Amend Maine's Medical Marijuana Law."

LD 1539 makes drastic changes to Maine's Medical Use of Marijuana Program that remove the premise of medical use from the existing program. To simplify this letter, I will enumerate the major deficiencies of the bill that prevent me from permitting LD 1539 to go into law.

1. LD 1539 eliminates all qualifying medical conditions from the Maine Medical Use of Marijuana Program, allowing access, for any reason, at the suggestion of a medical provider.

2. The bill maintains drug convictions as the only felony that disqualifies an individual from registering as a caregiver,

leaving patients vulnerable and the program open to potentially dangerous and violent criminals.

3. This legislation allows for the use of marijuana in any form, a potentially hazardous permission as products such as eye drops, injectables, and tasteless powders are emerging in other states.

4. The bill allows dispensaries, which are currently operating as nonprofits, to convert their status to for-profit, fundamentally altering the nature of their mission and relationship with patients by prioritizing profit over care.

5. LD 1539 requires the Department of Administrative and Financial Services to pay the physician consultation fee for verification of a minor qualifying patient with the medical marijuana fund.

6. LD 1539 makes tax changes that permit dispensaries and caregivers to expense their equipment costs, a costly deviation from current tax law that places Maine in conflict with the federal Internal Revenue Code.

7. The bill removes the employment restrictions on caregivers, allowing for an unlimited number of assistants and prohibiting the State of Maine from drug testing those new assistants as a part of the registry process.

8. This legislation does not require caregivers to provide proof of their sales tax registration with Maine Revenue Services when applying for the registry.

9. This legislation establishes extraction facilities, through the same legislative language I vetoed in LD 238, which would allow these types of businesses to operate in the absence of department rule or certification, posing a significant risk to the public since the legislation allows inherently hazardous materials to be used during extraction.

10. LD 1539 creates a significant new administrative burden on the medical program and provides what could only be described as—in the most generous terms—a modest increase in human resource capacity to meet future program needs.

11. Finally, the bill, nonsensically, requires the development and administration of a medical marijuana research fund but only after having removed all debilitating medical conditions from the program that one may have wished to study.

This is not an exhaustive list of concerns and deficiencies. Furthermore, this bill disregards the work of your colleagues on the Joint Select Committee on Marijuana Legalization Implementation by using LD 1539 to establish caregivers in a retail marketplace, before it has been launched, with no other qualifications than establishing Maine residency. Given these circumstances, this legislation makes imprudent changes to Maine law. Legislation such as LD 1539 would be more appropriate during the Second Regular Session of the 129th Legislature, once an adult-use recreational program has been established by the Department of Administrative and Financial Services (DAFS) and policymakers have the benefit of input relative to that experience.

Alternatively, I would support standalone legislation that immediately brings more oversight to the medical program, its caregiver participants, and provides the framework necessary for a medical program and recreational program to coexist rather than cannibalize each other.

For these reasons, I return LD 1539 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 Amend Maine's Medical Marijuana Law

(H.P. 1060) (L.D. 1539)

(S. "D" S-530, S. "G" S-539 and S. "H" S-540 to C. "A" H-765)

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. 726V

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Berry, Bickford, Black, Blume, Bryant, Cardone, Cebra, Chace, Collings, Cooper, Corey, Craig, Daughtry, DeChant, Denno, Devin, Dillingham, Doore, Dunphy, Espling, Farnsworth, Farrin, Fecteau, Fredette, Frey, Fuller, Gattine, Gillway, Ginzler, Golden, Grant, Grohman, Guerin, Haggan, Hamann, Hanley, Harrington, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hogan, Hubbell, Hymanson, Johansen, Jorgensen, Kinney J, Kornfield, Kumiega, Lawrence, Lockman, Longstaff, Luchini, Madigan C, Madigan J, Malaby, Martin J, Martin R, Mason, Mastraccio, McCreia, McCreight, McElwee, Melaragno, Monaghan, Moonen, Nadeau, O'Connor, O'Neil, Ordway, Parry, Perkins, Perry, Picchiotti, Pierce J, Pierce T, Pouliot, Prescott, Reckitt, Riley, Rykerson, Sanborn, Sanderson, Schneck, Seavey, Sheats, Sherman, Sirocki, Skolfield, Spear, Stanley, Stearns, Stetkis, Stewart, Strom, Sylvester, Talbot Ross, Tepler, Terry, Timberlake, Tipping, Tucker, Vachon, Wadsworth, Wallace, Warren, White, Wood, Zeigler, Madam Speaker.

NAY - Austin S, Beebe-Center, Bradstreet, Brooks, Campbell, Casas, Chapman, Foley, Gerrish, Grignon, Handy, Hanington, Harlow, Lyford, Marean, Parker, Reed, Sampson, Sutton, Theriault, Tuell, Turner, Ward.

ABSENT - Battle, Duchesne, Fay, Harvell, Kinney M, McLean, Pickett, Simmons, Winsor.

Yes, 119; No, 23; Absent, 9; Excused, 0.

119 having voted in the affirmative and 23 voted in the negative, with 9 being absent, and accordingly the Veto was **NOT SUSTAINED.** Sent for concurrence.

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

The Following Communication: (S.C. 1065)

**MAINE SENATE
128TH LEGISLATURE
OFFICE OF THE SECRETARY**

July 9, 2018

Honorable Robert B. Hunt
Clerk of the House
2 State House Station
Augusta, Maine 04333
Dear Clerk Hunt:

Senate Paper 363, Legislative Document 1109, "An Act To Establish Homelessness as an Emergency in the General Assistance Laws," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the