

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Eighth Legislature

State of Maine

Daily Edition

Second Special Session
beginning June 19, 2018

beginning at Page 2046

ROLL CALL (#732)

YEAS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, COLLINS, CUSHING, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DION, DOW, GRATWICK, HAMPER, HILL, JACKSON, KATZ, KEIM, LIBBY, MAKER, MASON, MILLETT, MIRAMANT, ROSEN, SAVIELLO, VITELLI, VOLK, WHITTEMORE, WOODSOME, PRESIDENT THIBODEAU

NAYS: Senator: BRAKEY

EXCUSED: Senators: CYRWAY, LANGLEY

32 Senators having voted in the affirmative and 1 Senator having voted in the negative, with 2 Senators being excused, and 32 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. 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.

The accompanying Bill:

An Act To Amend Maine's Medical Marijuana Law
H.P. 1060 L.D. 1539

Comes from the House with the **VETO OVERRIDDEN**, 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 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 (#733)

YEAS: Senators: BRAKEY, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, CUSHING, DESCHAMBAULT, DIAMOND, DILL, DION, DOW, GRATWICK, HILL, JACKSON, KATZ, KEIM, LIBBY, MASON, MILLETT, MIRAMANT, SAVIELLO, VITELLI, VOLK, WOODSOME

NAYS: Senators: BELLOWS, COLLINS, DAVIS, HAMPER, MAKER, ROSEN, WHITTEMORE, PRESIDENT THIBODEAU

EXCUSED: Senators: CYRWAY, LANGLEY

25 Senators having voted in the affirmative and 8 Senators having voted in the negative, with 2 Senators being excused, and 25 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.

Out of order and under suspension of the Rules, the Senate considered the following:

COMMUNICATIONS

The Following Communication: H.C. 566

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

July 2, 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 1788, "An Act To Enhance Safety for Victims of Sexual Assault and Stalking and To Amend the Laws Governing Harassment and Protection from Abuse."

This bill purports to enhance safety by expanding the conduct allowing issuance of a protection from abuse order (a "PFA"). Unfortunately, history shows that PFAs do not protect people from abuse. Forty years ago, Maine was one of the first states to enact a protection from abuse law. Today, Maine's rate of domestic violence homicide remains high and violations of PFAs are rampant.

The following are just a few of the worst examples from the past few years. In 2017, a man was stabbed to death in front of his children, aged 7 and 11. The woman charged with his murder, his ex-wife, was subject to a PFA. In 2016, a man who was subject to a PFA went to his ex-partner's home with a gun. Not finding his target home, he shot two others before being shot and killed by police. In 2013, a woman and her infant child were kidnapped, shot multiple times and nearly died. The perpetrator was subject to a PFA. In 2011, a woman and her two children, aged 13 and 12, were shot to death. The murderer was subject to a PFA.

PFAs only deter people with some modicum of rationality. They fail to protect against, and in some cases may provoke, precisely those emotionally unstable people who are prone to violence. Rather than providing a false sense of security with a piece of paper, harassment and abuse should be criminally prosecuted to the fullest extent of the law. If a perpetrator is truly dangerous, pre-trial detention offers more security to a victim than does a protection order.

Additionally, the imposition of a PFA may have severe ramifications for the person subject to the order, including potential job loss and curtailment of other rights. The Criminal Law Advisory Committee warned in its testimony about the bill's potential to result in the imposition of unwarranted orders. This consideration should be weighed when expanding the conduct giving rise to a PFA.

For these reasons, I return LD 1788 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.