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AUGUSTA, MAINE
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Paul R. LePage
GOVERNOR

3 November 2017

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 1650, "An Act to Amend the Marijuana Legalization Act."

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. When the referendum seeking to legalize marijuana passed, it put me in a difficult position: to uphold Maine law, I would be required to flout federal law. I have sought guidance from the U.S. Attorney General on how the federal government intends to treat the legalization of marijuana by states across the nation, which conflicts with federal law. As an increasing number of states embark upon this path, it is imperative that the federal government takes a strong and public position on this issue.

The Obama administration said they would not enforce federal law related to marijuana; however, the Trump administration has not taken that position. Until I clearly understand how the federal government intends to treat states that seek to legalize marijuana, I cannot in good conscience support any scheme in state law to implement expansion of legal marijuana in Maine. If we are adopting a law that will legalize and establish a new industry and impose a new regulatory infrastructure that requires significant private and public investment, we need assurances that a change in policy or administration at the federal level will not nullify those investments.

Even if federal law were of no concern, there are other significant issues that must be addressed. This bill does nothing to address failings of the medical marijuana program. In fact, it does not attempt to ensure that regulations between our medical program and this new program have even a minimal level of consistency. The drafters of this bill chose to ignore the significant effects that this new program—one with different levels of regulatory oversight and a different tax structure—will have on the existing medical marijuana program, its patients and the public health and safety of the Maine people.

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 considered together. Since the passage of the referendum last November, the medical program has seen 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.



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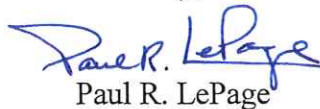
Further still, this bill generates a bifurcated regulatory structure with two Executive Branch departments regulating the market, which is almost certain to create unnecessary additional administrative costs and confusion. Based on initial estimates, it is not even clear that the tax revenue raised by this bill will cover the cost of implementation and regulation required by this bill, creating yet another unfunded mandate and likely a further drain on the General Fund. The bill also establishes unrealistic deadlines for executive action that would result in a hastily crafted regulation. If not done right, this regulation will have a significant negative impact on Maine's families and communities.

When I sought guidance from my counterpart in Colorado, he was adamant that Maine should learn from the mistakes made by his state and others that have pursued legalization efforts. He urged that we take the time necessary to get our law right from the start and not rush just to get something in place. There have been serious negative effects of legalization in other states—effects that should not be repeated in Maine. In Colorado, marijuana-related traffic deaths more than doubled since recreational marijuana was legalized.¹ The Institute for Highway Safety reached similar findings, noting that automobile collisions increased by three percent in states that have legalized marijuana.² Alarming, the violent crime rate in Colorado increased nearly 19 percent since legalization,³ more than double the national rate.⁴ If Maine is going to legalize and regulate marijuana, it is imperative that we do it right.

Outside specific concerns about this bill, I continue to be concerned about expanded legalization of marijuana in Maine. The dangers of legalizing marijuana and normalizing its use in our society cannot be understated. Maine is now battling a horrific drug epidemic that claims more than one life a day due to overdoses caused by deadly opiates. Sending a message, especially to our young people, that some drugs that are still illegal under federal law are now sanctioned by the state may have unintended and grave consequences.

For these reasons, I return LD 1650 unsigned and vetoed. I strongly urge the Legislature to sustain it and continue to work to get this important law right.

Sincerely,



Paul R. LePage
Governor

¹ “The Legalization of Marijuana in Colorado: The Impact”, October 2017, Rocky Mountain High Intensity Drug Trafficking Area Intelligence Unit, pp.17

² “Legalizing recreational marijuana is linked to increased crashes”, IIHS-HLDI, <http://www.iihs.org/iihs/news/desktopnews/legalizing-recreational-marijuana-is-linked-to-increased-crashes>

³ “The Legalization of Marijuana in Colorado: The Impact”, October 2017, Rocky Mountain High Intensity Drug Trafficking Area Intelligence Unit, pp.118

⁴ “Crime in the United States 2013”, FBI, https://ucr.fbi.gov/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/violent-crime/violent-crime-topic-page/violentcrimemain_final and “Crime in the United States 2016”, FBI, <https://ucr.fbi.gov/crime-in-the-u.s/2016/crime-in-the-u.s.-2016/topic-pages/violent-crime>