

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 480

H.P. 330

House of Representatives, February 14, 2013

An Act To Establish Fees under the Maine Medical Use of Marijuana Act

Reference to the Committee on Health and Human Services suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SANDERSON of Chelsea.
Cosponsored by Senator HAMPER of Oxford and
Representatives: FARNSWORTH of Portland, GATTINE of Westbrook, HARVELL of
Farmington, MALABY of Hancock, PETERSON of Rumford, SIROCKI of Scarborough,
WILSON of Augusta, Senator: PLUMMER of Cumberland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §2423-A, sub-§2, ¶C**, as enacted by PL 2009, c. 631, §21 and
3 affected by §51, is amended to read:

4 C. Assist no more than 5 patients at any one time with their medical use of
5 marijuana. If a qualifying patient revokes the designation of a registered primary
6 caregiver to cultivate for the patient, the registered primary caregiver may substitute a
7 new qualifying patient for the former qualifying patient without payment of an
8 additional fee, as provided in subsection 3, paragraph C;

9 **Sec. 2. 22 MRSA §2424, sub-§3**, as amended by PL 2011, c. 407, Pt. B, §22, is
10 further amended to read:

11 **3. Registry identification cards.** The department shall adopt rules governing the
12 manner in which it considers applications for and renewals of registry identification cards
13 for registered patients, registered caregivers, principal officers, board members and
14 employees of dispensaries and staff of hospice providers and nursing facilities designated
15 as primary caregivers. The department's rules must establish application and renewal fees
16 that generate revenues sufficient to offset all expenses of implementing and administering
17 this chapter. If during a fiscal year program revenues exceed program expenses, the
18 department shall lower fees for registry identification cards for the following fiscal year
19 so that program revenues do not exceed the expenses of the prior fiscal year by more than
20 10%. The department may establish a sliding scale of application and renewal fees based
21 upon a registered patient's family income and status as a veteran of the Armed Forces of
22 the United States. The department may accept donations from private sources in order to
23 reduce the application and renewal fees. Fees set by the department for registry
24 identification cards must meet the requirements of this subsection.

25 A. There is no annual fee for a registered patient.

26 B. There is no annual fee for a registered primary caregiver who does not cultivate
27 marijuana for a qualifying patient.

28 C. There is no fee for a qualifying patient who is substituted for a previous
29 qualifying patient under section 2423-A, subsection 2, paragraph C.

30 D. The annual fee for a registered primary caregiver who is designated to cultivate
31 marijuana for a patient must be no less than \$50 and no more than \$300 per patient
32 who has designated the registered primary caregiver. The annual fee for a registered
33 primary caregiver must be accompanied by a check for \$31 payable to the Treasurer
34 of State to cover the cost of obtaining criminal history record information about the
35 primary caregiver.

36 E. The annual fee for a registered dispensary is governed by section 2428, subsection
37 2.

38 **Sec. 3. 22 MRSA §2425, sub-§1, ¶B**, as enacted by IB 2009, c. 1, §5, is
39 repealed.

1 **Sec. 4. 22 MRSA §2428, sub-§2, ¶A**, as amended by PL 2009, c. 631, §42 and
2 affected by §51, is further amended to read:

3 A. The department shall register a dispensary and issue a registration certificate or
4 renewal of the registration certificate within 30 days to any person or entity that
5 provides:

6 (1) An annual fee paid to the department as set by rule, in an amount not less
7 than \$5,000 and not more than \$15,000;

8 (2) The legal name of the dispensary, evidence of incorporation under Title 13-B
9 and evidence that the corporation is in good standing with the Secretary of State;

10 (3) The physical address of the dispensary and the physical address of a
11 maximum of one additional location, if any, where marijuana will be cultivated
12 for patients who have designated the dispensary to cultivate for them. If a
13 registered dispensary changes the physical location of the dispensary or the
14 location at which it cultivates marijuana, the dispensary shall notify the
15 department on a location change form provided by the department, obtain a new
16 registration certificate from the department and pay a change fee of \$500;

17 (4) The name, address and date of birth of each principal officer and board
18 member of the dispensary; and

19 (5) The name, address and date of birth of any person who is employed by the
20 dispensary.

21 **Sec. 5. 22 MRSA §2428, sub-§2, ¶C**, as amended by PL 2009, c. 631, §42 and
22 affected by §51, is further amended to read:

23 C. The department shall issue each principal officer, board member and employee of
24 a dispensary a registry identification card within 10 days of receipt of the person's
25 name, address and date of birth under paragraph A and ~~a~~ an annual fee in an amount
26 established by the department of \$25 for each principal officer, board member or
27 employee. The annual fee submitted under this paragraph must be accompanied by a
28 check for \$31 payable to the Treasurer of State to cover the cost of obtaining criminal
29 history record information about the principal officer, board member or employee.
30 Each card must specify that the cardholder is a principal officer, board member or
31 employee of a dispensary and must contain:

32 (1) The name, address and date of birth of the principal officer, board member or
33 employee;

34 (2) The legal name of the dispensary with which the principal officer, board
35 member or employee is affiliated;

36 (3) A random identification number that is unique to the cardholder;

37 (4) The date of issuance and expiration date of the registry identification card;
38 and

39 (5) A photograph if required by the department.

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SUMMARY

This bill sets fees and the range of fees in the Maine medical marijuana program, provides for payment of the cost of obtaining criminal history record information about certain registered primary caregivers and principal officers, board members and employees of registered dispensaries and lowers fees for a fiscal year if the fees paid in the prior year exceed program expenses for that year.