

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)



# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

---

Legislative Document

No. 1258

---

H.P. 858

House of Representatives, April 7, 2015

**An Act To Amend the Maine Medical Use of Marijuana Act with  
Regard to Good Business Practices**

---

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative SANDERSON of Chelsea.  
Cosponsored by Senator BRAKEY of Androscoggin and  
Representatives: MALABY of Hancock, O'CONNOR of Berwick, PARRY of Arundel,  
SIROCKI of Scarborough, WARREN of Hallowell.

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

2 **Sec. 1. 22 MRSA §2422, sub-§6-A**, as repealed by PL 2011, c. 407, Pt. B, §8, is  
3 reenacted to read:

4 **6-A. Onsite assessment.** "Onsite assessment" means a visit by an employee of the  
5 department for the purpose of ensuring compliance with the requirements of this chapter  
6 to any site where marijuana is grown by a registered primary caregiver who has been  
7 designated pursuant to section 2425, subsection 1, paragraph F to cultivate marijuana for  
8 3, 4 or 5 registered patients at one time.

9 **Sec. 2. 22 MRSA §2423-A, sub-§2, ¶B**, as amended by PL 2011, c. 407, Pt. B,  
10 §16, is further amended to read:

11 B. Cultivate up to 6 mature marijuana plants for each qualifying patient, up to a  
12 maximum of 5 qualifying patients, who has designated the primary caregiver to  
13 cultivate marijuana on the patient's behalf, subject to the limitation in subsection 1,  
14 paragraph B on the total number of plants authorized per qualifying patient. A  
15 primary caregiver may not cultivate marijuana for a patient unless the patient has  
16 designated the primary caregiver for that purpose and the patient has not designated a  
17 registered dispensary to cultivate marijuana for the patient's medical use. In addition  
18 to the marijuana plants otherwise authorized under this paragraph, a primary  
19 caregiver may have harvested marijuana plants in varying stages of processing in  
20 order to ensure the primary caregiver is able to meet the needs of the primary  
21 caregiver's qualifying patients;

22 **Sec. 3. 22 MRSA §2423-A, sub-§2, ¶C**, as amended by PL 2013, c. 516, §6, is  
23 repealed.

24 **Sec. 4. 22 MRSA §2423-A, sub-§2, ¶I**, as amended by PL 2013, c. 588, Pt. A,  
25 §26, is further amended to read:

26 I. Employ or contract with one person or more persons to assist in performing the  
27 duties of the primary caregiver;

28 **Sec. 5. 22 MRSA §2423-A, sub-§2, ¶J**, as amended by PL 2013, c. 588, Pt. D,  
29 §3, is further amended to read:

30 J. Use a pesticide in the cultivation of marijuana if the pesticide is used consistent  
31 with federal labeling requirements, is registered with the Department of Agriculture,  
32 Conservation and Forestry, Board of Pesticides Control pursuant to Title 7, section  
33 607 and is used consistent with best management practices for pest management  
34 approved by the Commissioner of Agriculture, Conservation and Forestry. A  
35 registered primary caregiver may not in the cultivation of marijuana use a pesticide  
36 unless the registered primary caregiver or the registered primary caregiver's employee  
37 is certified in the application of the pesticide pursuant to section 1471-D and any  
38 employee who has direct contact with treated plants has completed safety training  
39 pursuant to 40 Code of Federal Regulations, Section 170.130. An employee of the  
40 registered primary caregiver who is not certified pursuant to section 1471-D and who

1 is involved in the application of the pesticide or handling of the pesticide or  
2 equipment must first complete safety training described in 40 Code of Federal  
3 Regulations, Section 170.230; ~~and~~

4 **Sec. 6. 22 MRSA §2423-A, sub-§2, ¶K**, as reallocated by RR 2013, c. 1, §40, is  
5 amended to read:

6 K. For the purpose of disposing of excess prepared marijuana, transfer prepared  
7 marijuana to a registered dispensary for reasonable compensation. The transfer of  
8 prepared marijuana by a primary caregiver to one or more dispensaries under this  
9 paragraph is limited to a registered primary caregiver. A registered primary caregiver  
10 may not transfer more than 2 pounds of excess prepared marijuana for reasonable  
11 compensation under this paragraph in a calendar year. A primary caregiver who  
12 transfers prepared marijuana pursuant to this paragraph does not by virtue of only that  
13 transfer qualify as a member of a collective; ~~and~~

14 **Sec. 7. 22 MRSA §2423-A, sub-§2, ¶L** is enacted to read:

15 L. For the purpose of disposing of excess prepared marijuana, transfer prepared  
16 marijuana to a qualifying patient for reasonable compensation. The transfer of  
17 prepared marijuana by a primary caregiver to one or more qualifying patients under  
18 this paragraph is limited to a registered primary caregiver. A primary caregiver who  
19 transfers prepared marijuana pursuant to this paragraph does not by virtue of only that  
20 transfer qualify as a member of a collective.

21 **Sec. 8. 22 MRSA §2423-A, sub-§6**, as repealed by PL 2011, c. 407, Pt. B, §16, is  
22 reenacted to read:

23 **6. Onsite assessments by the department.** Prior to making an onsite assessment of  
24 a registered primary caregiver who is designated to cultivate marijuana by 3 or more  
25 patients at any one time, the department shall provide 24 hours' notice to the registered  
26 primary caregiver.

27 **Sec. 9. 22 MRSA §2423-A, sub-§10** is enacted to read:

28 **10. Collection and remittance of sales and use tax.** A primary caregiver who  
29 receives compensation from a qualifying patient for the costs associated with cultivating  
30 marijuana for that qualifying patient or assisting that qualifying patient shall register as a  
31 seller with the State Tax Assessor and shall collect and remit taxes in accordance with  
32 Title 36, section 1754-B.

33 **Sec. 10. 22 MRSA §2428, sub-§12** is enacted to read:

34 **12. Collection and remittance of sales and use tax.** A registered dispensary that  
35 receives compensation from a qualifying patient for the costs associated with cultivating  
36 marijuana for that qualifying patient or assisting that qualifying patient shall register as a  
37 seller with the State Tax Assessor and shall collect and remit taxes in accordance with  
38 Title 36, section 1754-B.

