

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
128TH LEGISLATURE
SECOND SPECIAL SESSION

SENATE AMENDMENT "6" to COMMITTEE AMENDMENT "A" to H.P. 1060, L.D. 1539, Bill, "An Act To Amend Maine's Medical Marijuana Law"

Amend the amendment in section 15 in §2425-A in subsection 3 in the first blocked paragraph in the 2nd line (page 27, line 14 in amendment) by striking out the following: "The" and inserting the following: 'Except as provided in subsection 3-A, the'

Amend the amendment in section 15 in §2425-A by inserting after subsection 3 the following:

'3-A. Criminal history record check for caregivers administering medical marijuana on school grounds. The department shall request a criminal history record check for a caregiver designated under section 2423-A, subsection 1, paragraph F-1, subparagraph (4), except for a caregiver who is a parent, a legal guardian or a person having legal custody of the qualifying patient. The department may not issue a registry identification card to an applicant who is not permitted to have a disqualifying drug offense or who would be denied an approval, credential, certification, authorization or renewal under Title 20-A, section 6103 or 13011 based on that criminal history record check.

The criminal history record check requested under this subsection must include criminal history record information obtained from the Maine Criminal Justice Information System established in Title 16, section 631 and the Federal Bureau of Investigation. The following provisions apply.

A. The criminal history record information obtained from the Maine Criminal Justice Information System must include a record of public criminal history record information as defined in Title 16, section 703, subsection 8.

B. The criminal history record information obtained from the Federal Bureau of Investigation must include other state and national criminal history record information.

C. A person subject to a criminal history record check under this section shall submit to having fingerprints taken. The State Police, upon payment of the fee, shall take or cause to be taken the person's fingerprints and shall forward the fingerprints to the State Bureau of Identification so that the bureau can conduct state and national criminal history record checks. Except for the portion of the payment, if any, that

1 constitutes the processing fee charged by the Federal Bureau of Investigation, all
2 money received by the State Police for purposes of this paragraph must be paid over
3 to the Treasurer of State. The money must be applied to the expenses of
4 administration incurred by the Department of Public Safety.

5 D. The subject of a Federal Bureau of Investigation criminal history record check
6 may obtain a copy of the criminal history record check by following the procedures
7 outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of
8 a state criminal history record check may inspect and review the criminal history
9 record information pursuant to Title 16, section 709.

10 E. State and federal criminal history record information may be used by the
11 department for the purpose of screening a child care provider or child care staff
12 member in accordance with this chapter.

13 F. Information obtained pursuant to this subsection is confidential. The results of
14 criminal history record checks received by the department are for official use only
15 and may not be disseminated to any other person or entity.

16 G. If a person is no longer subject to this chapter that person may request in writing
17 that the State Bureau of Identification remove the person's fingerprints from the
18 bureau's fingerprint file. In response to a written request, the bureau shall remove the
19 person's fingerprints from the fingerprint file and provide written confirmation of that
20 removal.

21 The department, with the Department of Public Safety, Bureau of State Police, State
22 Bureau of Identification, shall adopt rules to implement this subsection. Rules adopted
23 pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375,
24 subchapter 2-A.'

25 Amend the amendment in section 17 in subsection 1-A in the 3rd line (page 34, line 8
26 in amendment) by striking out the following: "(4) may, for the benefit of a qualifying
27 patient," and inserting the following: '(4) or the parent, legal guardian or person having
28 legal custody of a qualifying patient may, for the benefit of the qualifying patient.'

29 Amend the amendment in section 17 in subsection 1-A in the 5th line (page 34, line
30 10 in amendment) by striking out the following: "which a ~~minor~~" and inserting the
31 following: 'which a ~~minor~~ the'

32 Amend the amendment by inserting after section 27 the following:

33 '**Sec. 28. 25 MRSA §1542-A, sub-§1, ¶P** is enacted to read:

34 P. Who is required to have a criminal history record check under Title 22, section
35 2425-A, subsection 3-A.

36 **Sec. 29. 25 MRSA §1542-A, sub-§3, ¶O** is enacted to read:

37 O. The State Police shall take or cause to be taken the fingerprints of the person
38 named in subsection 1, paragraph P at the request of that person or the Department of
39 Administrative and Financial Services under Title 22, section 2425-A, subsection
40 3-A.

1 **Sec. 30. 25 MRS**A §1542-A, sub-§4, as repealed and replaced by PL 2017, c.
 2 409, Pt. B, §13, is amended to read:

3 **4. Duty to submit to State Bureau of Identification.** It is the duty of the law
 4 enforcement agency taking the fingerprints as required by subsection 3, paragraphs A, B
 5 and G to transmit immediately to the State Bureau of Identification the criminal
 6 fingerprint record. Fingerprints taken pursuant to subsection 1, paragraph C, D, E or F or
 7 pursuant to subsection 5 may not be submitted to the State Bureau of Identification unless
 8 an express request is made by the commanding officer of the State Bureau of
 9 Identification. Fingerprints taken pursuant to subsection 1, paragraph G must be
 10 transmitted immediately to the State Bureau of Identification to enable the bureau to
 11 conduct state and national criminal history record checks for the Department of
 12 Education. The bureau may not use the fingerprints for any purpose other than that
 13 provided for under Title 20-A, section 6103. The bureau shall retain the fingerprints,
 14 except as provided under Title 20-A, section 6103, subsection 9. Fingerprints taken
 15 pursuant to subsection 1, paragraph I and subsection 3, paragraph I must be transmitted
 16 immediately to the State Bureau of Identification to enable the bureau to conduct state
 17 and national criminal history record checks for the court and the Department of Public
 18 Safety, Gambling Control Board, respectively. Fingerprints taken pursuant to subsection
 19 1, paragraph J, K, ~~L~~, L or P must be transmitted immediately to the State Bureau of
 20 Identification to enable the bureau to conduct state and national criminal history record
 21 checks for the Department of Administrative and Financial Services, ~~Bureau of Revenue~~
 22 ~~Services~~. Fingerprints taken pursuant to subsection 1, paragraph M must be transmitted
 23 immediately to the State Bureau of Identification to enable the bureau to conduct state
 24 and national criminal history record checks for the Board of Osteopathic Licensure,
 25 established in Title 32, chapter 36. Fingerprints taken pursuant to subsection 1, paragraph
 26 N must be transmitted immediately to the State Bureau of Identification to enable the
 27 bureau to conduct state and national criminal history record checks for the Board of
 28 Licensure in Medicine, established in Title 32, chapter 48. Fingerprints taken pursuant to
 29 subsection 1, paragraph M must be transmitted immediately to the State Bureau of
 30 Identification to enable the bureau to conduct state and national criminal history record
 31 checks for the State Board of Nursing. Fingerprints taken pursuant to subsection 1,
 32 paragraph O must be transmitted immediately to the State Bureau of Identification to
 33 enable the bureau to conduct state and national criminal history record checks under Title
 34 28-B, section 204.'

35 Amend the amendment by relettering or renumbering any nonconsecutive Part letter
 36 or section number to read consecutively.

37 **SUMMARY**

38 This amendment requires a caregiver, except for a caregiver who is a parent, guardian
 39 or person having legal custody of the qualifying patient, designated to possess medical
 40 marijuana for use by a qualifying patient and administer medical marijuana to a
 41 qualifying patient who is enrolled in primary or secondary school to submit to the same
 42 background check applicable to education personnel. The background check required
 43 includes fingerprinting.

1 This amendment also clarifies that a parent, guardian or person having legal custody
2 of a qualifying patient who is enrolled in school may possess medical marijuana for use
3 by that qualifying patient and administer medical marijuana to that qualifying patient.

4 **FISCAL NOTE REQUIRED**

5 (See attached)

6 SPONSORED BY: 

7 (Senator LANGLEY)

8 COUNTY: Hancock



128th MAINE LEGISLATURE

LD 1539

LR 1833(19)

An Act To Amend Maine's Medical Marijuana Law

Fiscal Note for Senate Amendment "G" to Committee Amendment "A"

Sponsor: Sen. Langley of Hancock

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund

Fiscal Detail and Notes

This amendment requires a caregiver who is not the patient's parent, legal guardian or person having legal custody of a qualifying patient, but is designated to possess and administer medical marijuana for use by a qualifying patient who is enrolled in a primary or secondary school, to pass the same background check applicable to educational personnel, including fingerprinting. The additional costs to the Department of Public Safety (DPS) to process additional fingerprint checks are expected to be minor. The new fees received by DPS for fingerprint checks are expected to be minor.