

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1636

H.P. 1129

House of Representatives, June 8, 2017

**An Act To Allow Municipalities To Establish Ordinances Banning
or Restricting Marijuana Caregivers within 500 Feet of a School**

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT
Clerk

Presented by Representative BERRY of Bowdoinham.

Cosponsored by Representatives: HANLEY of Pittston, HARRINGTON of Sanford, PIERCE of Dresden, Senators: CUSHING of Penobscot, VITELLI of Sagadahoc.

1 **Emergency preamble.** **Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** while the Maine Medical Use of Marijuana Act prohibits the location of
4 medical marijuana dispensaries within 500 feet of a school, there are no such prohibitions
5 placed on primary caregivers who cultivate medical marijuana for qualifying patients;
6 and

7 **Whereas,** without restrictions, the current law could be construed to permit a
8 number of caregivers to be located in the same facility, each cultivating up to 6 marijuana
9 plants; and

10 **Whereas,** the location of such a facility close to a school may pose a risk to minors
11 passing that facility on their way to and from school, which is a risk that needs to be
12 addressed as soon as possible; and

13 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
14 the meaning of the Constitution of Maine and require the following legislation as
15 immediately necessary for the preservation of the public peace, health and safety; now,
16 therefore,

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

18 **Sec. 1. 22 MRSA §2423-A, sub-§13** is enacted to read:

19 **13. Ordinance restricting location of medical marijuana caregivers.**
20 Notwithstanding any provision of this chapter or any other provision of law to the
21 contrary, a municipality may adopt and enforce an ordinance that prohibits the location of
22 a primary caregiver, or that restricts the number of primary caregivers, within 500 feet of
23 the property line of a preexisting public or private school.

24 **Emergency clause.** In view of the emergency cited in the preamble, this
25 legislation takes effect when approved.

26 **SUMMARY**

27 This bill amends the Maine Medical Use of Marijuana Act to allow a municipality to
28 adopt an ordinance that prohibits the location of primary caregivers within 500 feet of the
29 property line of a preexisting school.