

# MAINE STATE LEGISLATURE

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ROBS

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**HEALTH AND HUMAN SERVICES**

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**STATE OF MAINE**

**HOUSE OF REPRESENTATIVES**

**129TH LEGISLATURE**

**FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 818, L.D. 1129, Bill, "An Act To Clarify Certain Provisions of the Maine Medical Use of Marijuana Act"

Amend the bill by striking out all of section 1 and inserting the following:

**'Sec. 1. 22 MRSA §2422, sub-§1-F** is enacted to read:

**1-F. Caregiver retail store.** "Caregiver retail store" means a store that has attributes generally associated with retail stores, including, but not limited to, a fixed location, a sign, regular business hours, accessibility to the public and sales of goods or services directly to a consumer, and that is used by a registered caregiver to offer marijuana plants or harvested marijuana for sale to qualifying patients.'

Amend the bill by striking out all of section 5 and inserting the following:

**'Sec. 5. 22 MRSA §2429-D,** as enacted by PL 2017, c. 452, §18, is amended to read:

**§2429-D. Local regulation**

Pursuant to the home rule authority granted under the Constitution of Maine, Article VIII, Part Second and Title 30-A, section 3001, a municipality may regulate registered caregivers, ~~registered~~ caregiver retail stores operating pursuant to section 2423-A, subsection 2, paragraph P, registered dispensaries, marijuana testing facilities and manufacturing facilities.

A municipality may not:

**1. Registered caregivers.** Prohibit or limit the number of registered caregivers;

**2. Stores, dispensaries, testing and manufacturing facilities.** Prohibit ~~registered~~ caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities that are operating with municipal approval in the municipality prior to the effective date of this section. For purposes of this subsection, "municipal approval" means an examination and approval of the store, dispensary or facility for the use of the premises consistent with conduct authorized under this chapter, including, but

**COMMITTEE AMENDMENT**

ROFS

1 not limited to, a conditional use approval or site plan approval. "Municipal approval"  
2 does not include issuance of a building, electrical or other similar permit or authorization  
3 that does not address the use of the structure or facility for which the permit or  
4 authorization is issued; or

5 **3. Municipal authorization needed.** Authorize ~~registered~~ caregiver retail stores,  
6 registered dispensaries, marijuana testing facilities and manufacturing facilities that are  
7 not operating on the effective date of this section to operate in the municipality unless the  
8 municipal legislative body, as defined in Title 30-A, section 2001, subsection 9, has voted  
9 to adopt or amend an ordinance or approve a warrant article allowing ~~registered~~ caregiver  
10 retail stores, registered dispensaries, marijuana testing facilities or manufacturing  
11 facilities, as applicable, to operate within the municipality.'

12 Amend the bill by relettering or renumbering any nonconsecutive Part letter or  
13 section number to read consecutively.

14 **SUMMARY**

15 This bill, which is the unanimous report of the committee, provides a different  
16 definition of "caregiver retail store" and clarifies the provisions regarding municipal  
17 approval of caregiver retail stores, registered dispensaries, marijuana testing facilities and  
18 manufacturing facilities.