

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document

No. 2099

S.P. 747

In Senate, February 6, 2020

An Act To Amend Provisions of the Maine Medical Use of Marijuana Act

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 203.

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator GRATWICK of Penobscot.

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

2 **PART A**

3 **Sec. A-1. 22 MRSA §2422, sub-§1-G** is enacted to read:

4 **1-G. Batch.** "Batch" means:

5 A. A specific quantity of harvested marijuana for medical use harvested during a
6 specified period of time from a specified cultivation area maintained by a registered
7 caregiver when applicable or dispensary; or

8 B. A specific quantity of harvested marijuana, marijuana products or marijuana
9 concentrate for medical use produced during a specified period of time in a specified
10 manufacturing area maintained by a registered caregiver when applicable, dispensary,
11 manufacturing facility or person authorized to engage in marijuana extraction using
12 inherently hazardous substances.

13 **Sec. A-2. 22 MRSA §2422, sub-§1-H** is enacted to read:

14 **1-H. Batch number.** "Batch number" means a distinct group of numbers, letters or
15 symbols, or any combination thereof, assigned to a specific batch of harvested marijuana,
16 marijuana products or marijuana concentrate for medical use by a registered caregiver,
17 dispensary, manufacturing facility or person authorized to engage in marijuana extraction
18 using inherently hazardous substances.

19 **Sec. A-3. 22 MRSA §2422, sub-§3**, as amended by PL 2017, c. 452, §3, is
20 further amended to read:

21 **3. Cultivation area.** "Cultivation area" means an indoor or outdoor area used for
22 cultivation in accordance with this chapter that is enclosed in such a manner that it
23 obscures the area from public viewing by any person who has not attained 21 years of age
24 and is equipped with locks or other security devices that permit access only by a person
25 authorized to have access to the area under this chapter.

26 **Sec. A-4. 22 MRSA §2422, sub-§4-N**, as enacted by PL 2019, c. 331, §2 and c.
27 528, §16, is repealed and the following enacted in its place:

28 **4-N. Immature marijuana plant.** "Immature marijuana plant" means a marijuana
29 plant that is not a mature marijuana plant or seedling. "Immature marijuana plant" does
30 not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

31 **Sec. A-5. 22 MRSA §2422, sub-§4-O**, as enacted by PL 2019, c. 331, §2 and c.
32 528, §16, is amended to read:

33 **4-O. Inherently hazardous substance.** "Inherently hazardous substance" means a
34 liquid chemical; a compressed gas; carbon dioxide; or a commercial product that has a
35 flash point at or lower than 100 degrees Fahrenheit, including, but not limited to, butane,
36 propane and diethyl ether. "Inherently hazardous substance" ~~does not include~~ includes
37 any form of alcohol or ethanol.

1 F. Information on the amount of tetrahydrocannabinol and cannabidiol per serving of
2 the harvested marijuana, marijuana product or marijuana concentrate and, in addition,
3 for edible marijuana products, the number of servings per package;

4 G. Information on gases, solvents and chemicals used in marijuana extraction;

5 H. Instructions on usage;

6 I. For marijuana products:

7 (1) The amount of marijuana concentrate per serving of the product, as measured
8 in grams, and the amount of marijuana concentrate per package of the product, as
9 measured in grams;

10 (2) A list of ingredients and possible allergens; and

11 (3) A recommended use date or expiration date;

12 J. For edible marijuana products, a nutritional fact panel; and

13 K. Any other information required by rule by the department.

14 **Sec. B-2. 22 MRSA §2429-A, sub-§5** is enacted to read:

15 **5. Health and safety rules.** The department shall adopt labeling, packaging and
16 other necessary health and safety rules for harvested marijuana, marijuana products and
17 marijuana concentrate for medical use. Rules adopted pursuant to this subsection are
18 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

19 **PART C**

20 **Sec. C-1. 22 MRSA §2422, sub-§5-D** is enacted to read:

21 **5-D. Municipality.** "Municipality" means a city, town or plantation in this State that
22 is not located within the unorganized and deorganized areas.

23 **Sec. C-2. 22 MRSA §2422, sub-§14-C** is enacted to read:

24 **14-C. Unorganized and deorganized areas.** "Unorganized and deorganized areas"
25 has the same meaning as in Title 12, section 682, subsection 1.

26 **Sec. C-3. 22 MRSA §2429-D**, as amended by PL 2019, c. 217, §5, is further
27 amended to read:

28 **§2429-D. Local regulation in municipalities**

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

34 A municipality may not:

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

2 **2. Stores, dispensaries, testing and manufacturing facilities.** Prohibit caregiver
3 retail stores, registered dispensaries, marijuana testing facilities and manufacturing
4 facilities that are operating with municipal approval in the municipality prior to ~~the~~
5 ~~effective date of this section~~ September 19, 2019. For purposes of this subsection,
6 "municipal approval" means an examination and approval of the store, dispensary or
7 facility for the use of the premises consistent with conduct authorized under this chapter,
8 including, but not limited to, a conditional use approval or site plan approval. "Municipal
9 approval" does not include issuance of a building, electrical or other similar permit or
10 authorization that does not address the use of the structure or facility for which the permit
11 or authorization is issued; or

12 **3. Municipal authorization needed.** Authorize caregiver retail stores, registered
13 dispensaries, marijuana testing facilities and manufacturing facilities that are not
14 operating on ~~the effective date of this section~~ or before September 19, 2019 to operate in
15 the municipality unless the municipal legislative body, as defined in Title 30-A, section
16 2001, subsection 9, has voted to adopt or amend an ordinance or approve a warrant article
17 allowing caregiver retail stores, registered dispensaries, marijuana testing facilities or
18 manufacturing facilities, as applicable, to operate within the municipality.

19 **Sec. C-4. 22 MRSA §2429-E** is enacted to read:

20 **§2429-E. Local regulation in towns, plantations and townships in unorganized and**
21 **deorganized areas**

22 In unorganized and deorganized areas, pursuant to the home rule authority granted
23 under the Constitution of Maine, Article VIII, Part Second and Title 30-A, section 3001
24 and the principles of sound planning, zoning and development recognized in Title 12,
25 chapter 206-A, the legislative body of a town or plantation or, in the case of a township,
26 the county commissioners of the county where the township is located and the Maine
27 Land Use Planning Commission may regulate registered caregivers, caregiver retail
28 stores operating pursuant to section 2423-A, subsection 2, paragraph P, registered
29 dispensaries, marijuana testing facilities and manufacturing facilities.

30 **1. Registered caregivers.** The legislative body of a town or plantation or, in the
31 case of a township, the county commissioners of the county where the township is located
32 may not prohibit or limit the number of registered caregivers in a town, plantation or
33 township.

34 **2. Local authorization required.** A person may not operate a caregiver retail store,
35 registered dispensary, marijuana testing facility or manufacturing facility that is not
36 operating on or before January 1, 2021 within a town, plantation or township located
37 within the unorganized and deorganized areas unless:

38 A. The legislative body of the town or plantation or, in the case of a township, the
39 county commissioners of the county where the township is located has voted to adopt
40 or amend an ordinance or approve a warrant article allowing caregiver retail stores,

1 registered dispensaries, marijuana testing facilities or manufacturing facilities, as
2 applicable, to operate within the town, plantation or township;

3 B. The caregiver retail store, registered dispensary, marijuana testing facility or
4 manufacturing facility has obtained all applicable local approvals, permits and
5 licenses not relating to land use planning and development that are required for the
6 operation of the caregiver retail store, registered dispensary, marijuana testing facility
7 or manufacturing facility, as applicable, by the town or plantation or, in the case of a
8 township, the county commissioners of the county where the township is located; and

9 C. The caregiver retail store, registered dispensary, marijuana testing facility or
10 manufacturing facility has obtained all applicable approvals, permits and licenses
11 relating to land use planning and development that are required by the Maine Land
12 Use Planning Commission for the development and operation of the caregiver retail
13 store, registered dispensary, marijuana testing facility or manufacturing facility.

14 **Sec. C-5. 22 MRSA §2429-F** is enacted to read:

15 **§2429-F. Authority of Maine Land Use Planning Commission**

16 Nothing in this chapter or the rules adopted pursuant to this chapter may be construed
17 to limit the authority of the Maine Land Use Planning Commission to regulate land use
18 planning and development activities within the unorganized and deorganized areas of the
19 State pursuant to Title 12, chapter 206-A.

20 **PART D**

21 **Sec. D-1. 22 MRSA §2430-H**, as enacted by PL 2017, c. 452, §24, is amended to
22 read:

23 **§2430-H. Fines collected authorized; Maine Administrative Procedure Act applies**

24 In addition to any other administrative action to suspend or revoke a registry
25 identification card or registration certificate, the department, on its own initiative or on
26 complaint and after investigation, notice and the opportunity for a public hearing, by
27 written order may impose a fine on a registered caregiver, caregiver retail store,
28 dispensary, manufacturing facility or person authorized to engage in marijuana extraction
29 using inherently hazardous substances operating under this chapter for any violation by
30 the registered caregiver, caregiver retail store, dispensary, manufacturing facility or
31 person authorized to engage in marijuana extraction using inherently hazardous
32 substances or an assistant or other authorized agent of a registered caregiver, caregiver
33 retail store, dispensary, manufacturing facility or person authorized to engage in
34 marijuana extraction using inherently hazardous substances of the provisions of this
35 chapter, the rules adopted pursuant to this chapter or any other terms, conditions or
36 provisions imposed pursuant to the issuance of a registry identification card or
37 registration certificate. Fines collected pursuant to this chapter and rules adopted by the
38 department must be credited to the Medical Use of Marijuana Fund pursuant to section
39 2430.

1 1. Fines in addition to other penalties. Any fines imposed by the department
2 pursuant to this section are in addition to any criminal or civil penalties that may be
3 imposed pursuant to other applicable laws or rules.

4 2. Limits. A fine imposed by the department for a violation of this chapter may not
5 exceed \$100,000 per violation for a caregiver retail store, dispensary, manufacturing
6 facility or person authorized to engage in marijuana extraction using inherently hazardous
7 substances. A fine imposed by the department for a violation of this chapter may not
8 exceed \$10,000 per violation for a registered caregiver or an assistant or other authorized
9 agent of a registered caregiver, caregiver retail store, dispensary, manufacturing facility
10 or person authorized to engage in marijuana extraction using inherently hazardous
11 substances.

12 A. The department shall adopt rules setting forth potential amounts of fines to be
13 imposed for violations of this chapter based upon the following specific categories of
14 unauthorized conduct by a caregiver retail store, dispensary, manufacturing facility or
15 person authorized to engage in marijuana extraction using inherently hazardous
16 substances:

17 (1) Not more than \$25,000 per minor registration violation;

18 (2) Except as provided in subparagraph (3), not more than \$50,000 per major
19 registration violation; and

20 (3) Not more than \$100,000 per major registration violation affecting public
21 safety.

22 B. The department shall adopt rules setting forth potential amounts of fines to be
23 imposed for violations of this chapter based upon the following specific categories of
24 unauthorized conduct by a registered caregiver or an assistant or other authorized
25 agent of a registered caregiver, caregiver retail store, dispensary, manufacturing
26 facility or person authorized to engage in marijuana extraction using inherently
27 hazardous substances:

28 (1) Not more than \$1,000 per minor registration violation;

29 (2) Except as provided in subparagraph (3), not more than \$5,000 per major
30 registration violation; and

31 (3) Not more than \$10,000 per major registration violation affecting public
32 safety.

33 3. Form of payment. All fines imposed pursuant to this section must be paid by the
34 registered caregiver, caregiver retail store, dispensary, manufacturing facility or person
35 authorized to engage in marijuana extraction using inherently hazardous substances to the
36 department in the form of cash or in the form of a certified check or cashier's check
37 payable to the department.

38 4. Maine Administrative Procedure Act applies. Except as otherwise provided in
39 this chapter or in rules adopted pursuant to this chapter, the imposition of a fine or the
40 suspension or revocation of a registry identification card or registration certificate by the
41 department, including, but not limited to, the provision of notice and the conduct of

1 hearings, is governed by the Maine Administrative Procedure Act. A final order of the
2 department imposing a fine or suspending or revoking a registry identification card or
3 registration certificate is a final agency action, as defined in Title 5, section 8002,
4 subsection 4, and the registered caregiver, caregiver retail store, dispensary,
5 manufacturing facility or person authorized to engage in marijuana extraction using
6 inherently hazardous substances may appeal that final order to the Superior Court in
7 accordance with Rule 80C of the Maine Rules of Civil Procedure.

8 **5. Rules.** The department shall adopt rules governing the imposition of fines under
9 this section. Rules adopted pursuant to this subsection are routine technical rules as
10 defined in Title 5, chapter 375, subchapter 2-A.

11 **PART E**

12 **Sec. E-1. 22 MRSA §2423-A, sub-§10, ¶A-1** is enacted to read:

13 A-1. The department shall issue a registry identification card to an officer or director
14 or assistant of a registered marijuana testing facility within 5 business days of
15 approving an application or renewal under this subsection.

16 (1) A registry identification card expires one year after the date of issuance. A
17 registry identification card issued under this paragraph must contain:

18 (a) The name of the cardholder;

19 (b) The date of issuance and expiration date of the registry identification
20 card; and

21 (c) A random identification number that is unique to the cardholder.

22 (2) The department may not issue a registry identification card to an officer or
23 director or assistant of a registered marijuana testing facility who has been
24 convicted of a disqualifying drug offense. The department shall conduct a
25 criminal history record check of each officer or director or assistant subject to
26 this paragraph on an annual basis. The criminal history record check required
27 under this subparagraph must include criminal history record information
28 obtained from the Maine Criminal Justice Information System established in Title
29 16, section 631 and the Federal Bureau of Investigation. The following
30 provisions apply.

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

34 (b) The criminal history record information obtained from the Federal
35 Bureau of Investigation must include other state and national criminal history
36 record information.

37 (c) A person subject to a criminal history record check under this
38 subparagraph shall submit to having fingerprints taken. The State Police,
39 upon payment of the fee, shall take or cause to be taken the person's
40 fingerprints and shall forward the fingerprints to the State Bureau of
41 Identification so that the bureau can conduct state and national criminal

1 history record checks. Except for the portion of the payment, if any, that
2 constitutes the processing fee charged by the Federal Bureau of Investigation,
3 all money received by the State Police for purposes of this division must be
4 paid to the Treasurer of State. The money must be applied to the expenses of
5 administration incurred by the Department of Public Safety.

6 (d) A person subject to a Federal Bureau of Investigation criminal history
7 record check under this subparagraph may obtain a copy of the criminal
8 history record check by following the procedures outlined in 28 Code of
9 Federal Regulations, Sections 16.32 and 16.33. A person subject to a state
10 criminal history record check under this subparagraph may inspect and
11 review the criminal history record information pursuant to Title 16, section
12 709.

13 (e) State and federal criminal history record information may be used by the
14 department for the purpose of screening a person in accordance with this
15 chapter.

16 (f) Information obtained pursuant to this subparagraph is confidential. The
17 results of criminal history record checks received by the department are for
18 official use only and may not be disseminated to any other person or entity.

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

24 (3) If the department determines not to issue a registry identification card to an
25 officer or director or assistant of a marijuana testing facility, the department shall
26 notify the marijuana testing facility in writing of the reason for denying the
27 registry identification card.

28 The department, with the Department of Public Safety, Bureau of State Police, State
29 Bureau of Identification, shall adopt rules to implement this paragraph. Rules
30 adopted pursuant to this paragraph are routine technical rules as defined in Title 5,
31 chapter 375, subchapter 2-A.

32 **Sec. E-2. 22 MRSA §2423-F, sub-§8, ¶B,** as repealed and replaced by PL 2019,
33 c. 331, §17, is repealed and the following enacted in its place:

34 B. In accordance with rules adopted under subsection 10, the department shall issue
35 a registry identification card to the officer or director or assistant of a registered
36 manufacturing facility or a person authorized to engage in marijuana extraction using
37 inherently hazardous substances within 5 business days of approving an application
38 or renewal under this subsection.

39 (1) A registry identification card expires one year after the date of issuance. A
40 registry identification card issued under this paragraph must contain:

41 (a) The name of the cardholder;

1 (b) The date of issuance and expiration date of the registry identification
2 card; and

3 (c) A random identification number that is unique to the cardholder.

4 (2) The department may not issue a registry identification card to an officer or
5 director or assistant of a registered manufacturing facility or a person authorized
6 to engage in marijuana extraction using inherently hazardous substances who has
7 been convicted of a disqualifying drug offense. The department shall conduct a
8 criminal history record check of each person, officer or director or assistant
9 subject to this paragraph on an annual basis. The criminal history record check
10 requested under this subparagraph must include criminal history record
11 information obtained from the Maine Criminal Justice Information System
12 established in Title 16, section 631 and the Federal Bureau of Investigation. The
13 following provisions apply.

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

17 (b) The criminal history record information obtained from the Federal
18 Bureau of Investigation must include other state and national criminal history
19 record information.

20 (c) A person subject to a criminal history record check under this
21 subparagraph shall submit to having fingerprints taken. The State Police,
22 upon payment of the fee, shall take or cause to be taken the person's
23 fingerprints and shall forward the fingerprints to the State Bureau of
24 Identification so that the bureau can conduct state and national criminal
25 history record checks. Except for the portion of the payment, if any, that
26 constitutes the processing fee charged by the Federal Bureau of Investigation,
27 all money received by the State Police for purposes of this division must be
28 paid to the Treasurer of State. The money must be applied to the expenses of
29 administration incurred by the Department of Public Safety.

30 (d) A person subject to a Federal Bureau of Investigation criminal history
31 record check under this subparagraph may obtain a copy of the criminal
32 history record check by following the procedures outlined in 28 Code of
33 Federal Regulations, Sections 16.32 and 16.33. A person subject to a state
34 criminal history record check under this subparagraph may inspect and
35 review the criminal history record information pursuant to Title 16, section
36 709.

37 (e) State and federal criminal history record information may be used by the
38 department for the purpose of screening a person in accordance with this
39 chapter.

40 (f) Information obtained pursuant to this subparagraph is confidential. The
41 results of criminal history record checks received by the department are for
42 official use only and may not be disseminated to any other person or entity.

1 (g) If a person is no longer subject to this chapter that person may request in
2 writing that the State Bureau of Identification remove the person's
3 fingerprints from the bureau's fingerprint file. In response to a written
4 request, the bureau shall remove the person's fingerprints from the fingerprint
5 file and provide written confirmation of that removal.

6 (3) If the department determines not to issue a registry identification card to an
7 officer or director or assistant of a registered manufacturing facility or a person
8 authorized to engage in marijuana extraction using inherently hazardous
9 substances, the department shall notify the registered manufacturing facility or
10 person in writing of the reason for denying the registry identification card.

11 The department, with the Department of Public Safety, Bureau of State Police, State
12 Bureau of Identification, shall adopt rules to implement this paragraph. Rules adopted
13 pursuant to this paragraph are routine technical rules as defined in Title 5, chapter
14 375, subchapter 2-A.

15

16 **Sec. E-3. 22 MRSA §2425-A, sub-§3-A**, as amended by PL 2019, c. 331, §19, is
17 further amended to read:

18 **3-A. Criminal history record check for registered caregivers, registered**
19 **dispensaries and caregivers administering medical marijuana on school grounds.**
20 The department shall request a criminal history record check for a caregiver required to
21 register with the department under subsection 2 and an assistant of a caregiver and an
22 officer or director or assistant of a dispensary as well as a caregiver designated under
23 section 2423-A, subsection 1, paragraph F-1, subparagraph (4), except for a caregiver
24 who is a parent, a legal guardian or a person having legal custody of the qualifying
25 patient. The department may not issue a registry identification card to an applicant who is
26 not permitted to have a disqualifying drug offense or who would be denied an approval,
27 credential, certification, authorization or renewal under Title 20-A, section 6103 or 13011
28 based on that criminal history record check.

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

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

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

39 C. A person subject to a criminal history record check under this section shall submit
40 to having fingerprints taken. The State Police, upon payment of the fee, shall take or
41 cause to be taken the person's fingerprints and shall forward the fingerprints to the
42 State Bureau of Identification so that the bureau can conduct state and national
43 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 person in accordance with this chapter.

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

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

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

24 PART F

25 **Sec. F-1. 22 MRSA §2423-A, sub-§2, ¶P**, as amended by PL 2019, c. 217, §2,
26 is further amended to read:

27 P. ~~Operate~~ Obtain a registration certificate from the department pursuant to section
28 2425-A, subsection 6 to operate one caregiver retail store to sell harvested marijuana
29 to qualifying patients for the patients' medical use in accordance with this chapter;
30 and

31 **Sec. F-2. 22 MRSA §2423-A, sub-§2, ¶Q**, as enacted by PL 2017, c. 452, §4, is
32 amended to read:

33 Q. ~~Be organized~~ Organize the caregiver's business activities as any type of legal
34 business entity recognized under the laws of the State.

35 **Sec. F-3. 22 MRSA §2425-A, sub-§2**, as enacted by PL 2017, c. 452, §12, is
36 amended to read:

37 **2. Required registration.** A caregiver, other than a caregiver operating under
38 section 2423-A, subsection 3, paragraph C, and an officer or director or assistant of a
39 dispensary or a caregiver, other than a caregiver operating under section 2423-A,
40 subsection 3, paragraph C, shall obtain a registry identification card in accordance with

1 subsections 3, 4 and 5. A long-term care facility designated by a qualifying patient
2 pursuant to section 2423-A, subsection 1, paragraph F-1, subparagraph (2), a caregiver
3 retail store and a dispensary shall obtain a registration certificate in accordance with
4 subsections 6, 7 and 8.

5 **Sec. F-4. 22 MRSA §2425-A, sub-§5, ¶B,** as enacted by PL 2017, c. 452, §12,
6 is amended to read:

7 B. If a ~~caregiver is~~ caregiver's business activities are organized as a legal business
8 entity pursuant to section 2423-A, subsection 2, paragraph Q, the caregiver may
9 obtain a registry identification card in the name of the business entity if the caregiver
10 submits evidence of the business entity's registration with the Secretary of State and
11 evidence that the business entity is in good standing with the Secretary of State.

12 **Sec. F-5. 22 MRSA §2425-A, sub-§6,** as enacted by PL 2017, c. 452, §12, is
13 amended to read:

14 **6. Application for registration certificate; qualifications.** The department shall
15 register and issue a registration certificate to an applicant who submits a complete
16 application that meets the requirements of this subsection. An application must include,
17 as applicable:

18 A. The annual fee required pursuant to subsection 10;

19 B. Evidence of the applicant's registration with the Secretary of State and evidence
20 that the applicant is in good standing with the Secretary of State; ~~and~~

21 C. The name, address and date of birth of each officer or director of the applicant;

22 D. If the applicant is a registered caregiver applying for a registration certificate for a
23 caregiver retail store, the physical address of the caregiver retail store; and

24 E. Evidence of compliance with all local regulations in accordance with section
25 2429-D or 2429-E, as applicable.

26 **Sec. F-6. 22 MRSA §2425-A, sub-§8,** as amended by PL 2019, c. 331, §20, is
27 further amended to read:

28 **8. Requirements for issuance of registration certificates.** A registration certificate
29 expires one year after the date of issuance. The certificate must contain, as applicable:

30 A. The name of the certificate holder;

31 B. The date of issuance and expiration date of the registration certificate;

32 C. A random identification number that is unique to the certificate holder;

33 D. The physical address of the certificate holder and, if the certificate holder is a
34 dispensary, the physical address of one additional location, if any, where marijuana
35 plants will be cultivated; and

36 E. A clear designation showing whether the certificate holder is allowed under this
37 chapter to cultivate marijuana plants.

1 2. It aligns the labeling requirements of the Maine Medical Use of Marijuana Act
2 with the labeling requirements of the Marijuana Legalization Act and provides more
3 specific guidance regarding required labeling.

4 3. It requires local authorization for caregiver retail stores, registered dispensaries,
5 marijuana testing facilities and manufacturing facilities operating in towns, plantations
6 and townships in the unorganized and deorganized areas, in addition to local
7 authorization by municipalities already required by law.

8 4. It authorizes the Department of Administrative and Financial Services to impose
9 upon registered caregivers, caregiver retail stores, dispensaries, manufacturing facilities
10 and persons authorized to engage in marijuana extraction using inherently hazardous
11 substances fines for violations of the Maine Medical Use of Marijuana Act and rules
12 adopted pursuant to the Act. It also establishes maximum allowable fines for minor and
13 major registration violations, including major registration violations affecting public
14 safety.

15 5. It requires all registered caregivers and assistants of registered caregivers and
16 officers, directors and assistants of registered dispensaries, registered manufacturing
17 facilities, persons authorized to engage in marijuana extraction using inherently
18 hazardous substances and marijuana testing facilities to submit to an annual state and
19 federal criminal history record check in order for the department to issue or renew a
20 registry identification card.

21 6. It authorizes the department to assess a fee for caregivers registering with the
22 department based upon plant canopy and amends the statutory fee schedule to clarify that
23 caregivers may register based upon plant count or plant canopy. It requires a caregiver to
24 obtain a registration certificate to operate a caregiver retail store and provides that the
25 annual registration fee for a caregiver retail store may not be less than \$50 or more than
26 \$500. It requires a caregiver to notify the department of the physical address of a
27 caregiver retail store. It allows a caregiver to organize the caregiver's business activities
28 as any type of legal business entity recognized under the laws of the State.