

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 scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1
2
ROS

L.D. 1957

Date: 4/11/22

(Filing No. H-980)

3
Majority
VETERANS AND LEGAL AFFAIRS

4 Reproduced and distributed under the direction of the Clerk of the House.

5 STATE OF MAINE
6 HOUSE OF REPRESENTATIVES
7 130TH LEGISLATURE
8 SECOND REGULAR SESSION

9 COMMITTEE AMENDMENT "A" to H.P. 1457, L.D. 1957, "An Act To Promote
10 Equity and Increase Opportunities in the Cannabis Industry by Removing Restrictions
11 Related to Convictions for Drug Offenses and To Replace the Term "Marijuana" with the
12 Term "Cannabis" in the Maine Revised Statutes"

13 Amend the bill by striking out the title and substituting the following:

14 'An Act To Promote Equity and Increase Opportunities in the Cannabis Industry by
15 Reducing Restrictions Related to Convictions for Drug Offenses and To Replace the
16 Term "Marijuana" with the Term "Cannabis" in the Maine Revised Statutes'

17 Amend the bill by striking out everything after the enacting clause and inserting the
18 following:

19 'Sec. 1. 17-A MRSA §1111-A, sub-§1, as amended by PL 2021, c. 434, §6, is
20 further amended to read:

21 1. As used in this section the term "drug paraphernalia" means all equipment, products
22 and materials of any kind that are used or intended for use in planting, propagating,
23 cultivating, growing, harvesting, manufacturing, compounding, converting, producing,
24 processing, preparing, packaging, repackaging, storing, containing or concealing a
25 scheduled drug in violation of this chapter or Title 22, section 2383, except that this section
26 does not apply to a person who is authorized to possess ~~marijuana~~ cannabis for medical use
27 pursuant to Title 22, chapter 558-C, to the extent the drug paraphernalia is used for that
28 person's medical use of ~~marijuana~~ cannabis; to a person who is authorized to possess
29 ~~marijuana~~ cannabis pursuant to Title 28-B, to the extent the drug paraphernalia is used for
30 that person's adult use of ~~marijuana~~ cannabis; or to a ~~marijuana~~ cannabis store licensed
31 pursuant to Title 28-B, to the extent that the drug paraphernalia relates to the sale or offering
32 for sale of ~~marijuana~~ cannabis by the ~~marijuana~~ cannabis store. It includes, but is not limited
33 to:

34 A. Kits used or intended for use in planting, propagating, cultivating, growing or
35 harvesting of any species of plant which is a scheduled drug or from which a scheduled
36 drug can be derived;

COMMITTEE AMENDMENT

ROS

- 1 B. Kits used or intended for use in manufacturing, compounding, converting,
- 2 producing, processing or preparing scheduled drugs;
- 3 C. Isomerization devices used or intended for use in increasing the potency of any
- 4 species of plant that is a scheduled drug;
- 5 E. Scales and balances used or intended for use in weighing or measuring scheduled
- 6 drugs;
- 7 F. Dilutants and adulterants, such as quinine hydrochloride, mannitol, mannite,
- 8 dextrose and lactose, used or intended for use in cutting scheduled drugs;
- 9 G. Separation gins and sifters, used or intended for use in removing twigs and seeds
- 10 from, or in otherwise cleaning or refining, marijuana;
- 11 H. Blenders, bowls, containers, spoons and mixing devices used or intended for use in
- 12 compounding scheduled drugs;
- 13 I. Capsules, balloons, envelopes and other containers used or intended for use in
- 14 packaging small quantities of scheduled drugs; and
- 15 J. Containers and other objects used or intended for use in storing or concealing
- 16 scheduled drugs.

17 **Sec. 2. 22 MRSA §2383, sub-§1-A**, as amended by PL 2017, c. 377, §3, is further
18 amended to read:

19 **1-A. Marijuana Cannabis possession by a person under 21 years of age.** Except
20 for possession of marijuana cannabis for medical use pursuant to chapter 558-C, a person
21 who is under 21 years of age may not possess marijuana cannabis. A person who is under
22 21 years of age who possesses a usable amount of marijuana cannabis commits a civil
23 violation for which a fine of not less than \$350 and not more than \$600 must be adjudged
24 for possession of up to 1 1/4 ounces of marijuana cannabis and a fine of not less than \$700
25 and not more than \$1,000 must be adjudged for possession of over 1 1/4 ounces to 1/2
26 ounces of marijuana cannabis, none of which may be suspended. For the purposes of this
27 section, marijuana has the same meaning as in Title 17-A, section 1101, subsection 1
28 "cannabis" includes the leaves, stems, flowers and seeds of all species of the plant genus
29 cannabis, whether growing or not; but does not include the resin extracted from any part of
30 such plant and every compound, manufacture, salt, derivative, mixture or preparation from
31 such resin including hashish and does not include the mature stalks of such plant, fiber
32 produced from such stalks, oil or cake made from the seeds of such plant, any other
33 compound, manufacture, salt, derivative, mixture or preparation of such mature stalks,
34 fiber, oil or cake or the sterilized seed of such plant that is incapable of germination.
35 "Cannabis" does not include hemp as defined in Title 7, section 2231, subsection 1-A,
36 paragraph D.

37 **Sec. 3. 22 MRSA §2422, sub-§4**, as amended by PL 2009, c. 631, §10 and affected
38 by §51, is further amended to read:

39 **4. Disqualifying drug offense.** "Disqualifying drug offense" means a conviction for
40 a violation of a state or federal controlled substance law that is a crime punishable by
41 imprisonment for one year or more. It does not include:

- 42 A. An offense for which the sentence, including any term of probation, incarceration
- 43 or supervised release, was completed ~~10~~ 5 or more years earlier; ~~or~~

ROS

1 B. An offense that consisted of conduct that would have been permitted under this
2 chapter; or

3 C. An offense that consisted of conduct that would be authorized under Title 28-B or
4 that, if the person convicted of the offense had been acting under the authority of a
5 license pursuant to Title 28-B, would have been authorized under Title 28-B.

6 **Sec. 4. 28-B MRSA §102, sub-§15**, as enacted by PL 2017, c. 409, Pt. A, §6, is
7 amended to read:

8 **15. Disqualifying drug offense.** "Disqualifying drug offense" means a conviction for
9 a violation of a state or federal controlled substance law that is a crime punishable by
10 imprisonment for one year or more, except that "disqualifying drug offense" does not
11 include:

12 A. An offense for which the sentence, including any term of probation, incarceration
13 or supervised release, was completed ~~40~~ 5 or more years prior to the submission of an
14 application for a license under this chapter; or

15 B. An offense that consisted of conduct that ~~is~~ would be authorized under ~~chapter 3~~
16 this Title or that, if the person convicted of the offense had been acting under the
17 authority of a license pursuant to this Title, would have been authorized under this
18 Title.

19 **Sec. 5. Maine Revised Statutes amended; revision clause.** Wherever in the
20 Maine Revised Statutes the word "marijuana" appears, it is amended to read "cannabis"
21 and the Revisor of Statutes shall implement this revision when updating, publishing or
22 republishing the statutes, except that the word "marijuana" is not amended to read
23 "cannabis" in Title 17-A.

24 **Sec. 6. Rules, forms, policies and publications.** On or after the effective date of
25 this section, when adopting or amending rules and developing or publishing forms, policies
26 and publications, the Department of Administrative and Financial Services' office of
27 marijuana policy and the Department of Health and Human Services shall replace
28 references to "marijuana" with references to "cannabis." "

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

31 **SUMMARY**

32 This amendment strikes and replaces the bill and does the following.

33 1. It amends the prohibitions on participation in the cannabis industry under the Maine
34 Medical Use of Marijuana Act and the Marijuana Legalization Act for persons convicted
35 of drug offenses by reducing from 10 years to 5 years the time that must elapse after any
36 term of probation, incarceration or supervised release is completed in order for the relevant
37 offense to no longer be considered a disqualifying drug offense.

38 2. It exempts from the definition of "disqualifying drug offense" in both of those Acts
39 an offense for activity that would have been allowed under the Maine Revised Statutes,
40 Title 28-B.

ROS

COMMITTEE AMENDMENT "A" to H.P. 1457, L.D. 1957

1
2
3
4
5
6
7
8
9

3. It directs by a revision clause that the term "marijuana" be replaced with the term "cannabis" in the Maine Revised Statutes except in the Maine Criminal Code and adjusts language in certain sections of Title 17-A and Title 22 to be consistent with that change.

4. It provides that when adopting or amending rules and developing or publishing forms, policies and publications, the Department of Administrative and Financial Services' office of marijuana policy and the Department of Health and Human Services must replace references to "marijuana" with references to "cannabis."

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



130th MAINE LEGISLATURE

LD 1957

LR 2503(02)

An Act To Promote Equity and Increase Opportunities in the Cannabis Industry by Removing Restrictions Related to Convictions for Drug Offenses and To Replace the Term "Marijuana" with the Term "Cannabis" in the Maine Revised Statutes

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-980)

Committee: Veterans and Legal Affairs

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to the Department of Health and Human Services, the Office of Marijuana Policy within the Department of Administrative and Financial Service and the Legislature from the provisions of this bill are expected to be minor and can be absorbed within existing budgeted resources.