

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

SECOND SPECIAL SESSION
September 29, 2021

SECOND REGULAR SESSION
January 5, 2022 to May 9, 2022

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 29, 2021

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 8, 2022

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2022

ATTORNEY GENERAL, DEPARTMENT OF THE

Maine Recovery Fund N960

Initiative: Provides a baseline allocation for disbursement of funds deposited from recently settled opioid litigation.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
All Other	\$500	\$500
OTHER SPECIAL REVENUE	\$500	\$500
FUNDS TOTAL		

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

Effective April 25, 2022.

CHAPTER 662

H.P. 1435 - L.D. 1928

An Act To Update and Clarify the Maine Medical Use of Marijuana Act

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

Whereas, Public Law 2021, chapter 387 requires the Department of Administrative and Financial Services to adopt major substantive rules relating to the Maine Medical Use of Marijuana Act; and

Whereas, any rules adopted by the department will have significant effects on Maine's medical marijuana patients and thousands of registered medical marijuana caregivers and associated businesses across the State; and

Whereas, this warrants meaningful legislative oversight and approval; and

Whereas, the department has authority to adopt rules prior to the expiration of the 90-day period; and

Whereas, the Maine Medical Use of Marijuana Act also requires amendments that cannot be delayed; and

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

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

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

1-G. Complete application. "Complete application" means, with respect to an application for a registry identification card or a registration certificate, that:

A. The applicant has completed and submitted to the department all application forms required and provided by the department;

B. The applicant has submitted to the department documentation sufficient to satisfy all applicable residency requirements of this chapter, which may include, but is not limited to, a valid photographic identification card issued by the State;

C. If required by the department pursuant to this chapter, the applicant has submitted to a criminal history record check;

D. If applying for a registry identification card for a caregiver or a registration certificate for a dispensary, the applicant has registered with the State Tax Assessor pursuant to Title 36, section 1754-B to collect and remit the sales tax on the sale of harvested marijuana imposed under Title 36, section 1811 and has provided to the department documentation of the registration; and

E. If applying for a registration certificate for a dispensary, the applicant has submitted to the department documentation sufficient to show that the applicant has fulfilled any applicable municipal authorization requirements for the municipality in which the applicant intends to operate the dispensary.

Sec. 2. 22 MRSA §2422, sub-§3, as amended by PL 2017, c. 452, §3, is further amended to read:

3. Cultivation area. "Cultivation area" means an indoor or outdoor area used for cultivation of mature marijuana plants, immature marijuana plants or seedlings in accordance with this chapter that is enclosed and equipped with locks or other security devices that permit access only by a person authorized to have access to the area under this chapter. A cultivation area may include multiple indoor or outdoor areas, whether contiguous or noncontiguous, on the same parcel or tract of land.

Sec. 3. 22 MRSA §2422, sub-§4-T is enacted to read:

4-T. Immature plant canopy. "Immature plant canopy" means the total surface area within a cultivation area where immature marijuana plants are growing. The surface area of the immature plant canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all of the area within the boundaries. If the surface area of the immature plant canopy consists of noncontiguous areas, each component area must be separated by identifiable

boundaries. If a tiered or shelving system is used in the cultivation area, the surface area of each tier or shelf must be included in calculating the area of the immature plant canopy. Calculation of the surface area of the immature plant canopy may not include the areas within the cultivation area that are not used at any time to cultivate immature marijuana plants.

Sec. 4. 22 MRSA §2422, sub-§4-U is enacted to read:

4-U. Marijuana tincture. "Marijuana tincture" means a solution that is intended to be consumed orally and is prepared from harvested marijuana blended with an edible solvent.

Sec. 5. 22 MRSA §2422, sub-§7-B, as enacted by PL 2019, c. 256, §1, is amended to read:

7-B. Plant Mature plant canopy. "Plant Mature plant canopy" means the total surface area within a cultivation area that is dedicated to the cultivation of mature marijuana plants where mature marijuana plants are growing. The surface area of the mature plant canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all of the area within the boundaries. If the surface area of the mature plant canopy consists of noncontiguous areas, each component area must be separated by identifiable boundaries. If a tiered or shelving system is used in the cultivation area, the surface area of each tier or shelf must be included in calculating the area of the mature plant canopy. Calculation of the surface area of the mature plant canopy may not include the areas within the cultivation area that are used to cultivate immature marijuana plants and seedlings and that are not used at any time to cultivate mature marijuana plants.

Sec. 6. 22 MRSA §2422, sub-§14-C is enacted to read:

14-C. Telehealth services. "Telehealth services" means health care services delivered through the use of information technology. "Telehealth services" includes synchronous encounters, store and forward transfers, telemonitoring and asynchronous encounters.

As used in this subsection, the following terms have the following meanings.

A. "Asynchronous encounter" means an interaction between an individual and a medical provider through a system that has the ability to store digital information, including, but not limited to, still images, video files, audio files, text files and other relevant data, and to transmit such information without requiring the simultaneous presence of the individual and the medical provider.

B. "Store and forward transfer" means the transmission of an individual's records through a secure electronic system to a medical provider.

C. "Synchronous encounter" means a real-time interaction conducted with an interactive audio or video connection between an individual and a medical provider or between a medical provider and another medical provider.

D. "Telemonitoring" means the use of information technology to remotely monitor an individual's health status via electronic means, allowing the medical provider to track the individual's health data over time.

Sec. 7. 22 MRSA §2422, sub-§14-D is enacted to read:

14-D. Timely filed. "Timely filed" means, with respect to an application submitted for renewal of a registry identification card or an application submitted for renewal of a registration certificate, that the applicant submits a complete application to the department no sooner than 60 days and no later than 30 days prior to the expiration date of the current registry identification card or the current registration certificate.

Sec. 8. 22 MRSA §2422, sub-§16, as amended by PL 2017, c. 452, §3, is further amended to read:

16. Written certification. "Written certification" means a document on tamper-resistant paper signed by a medical provider that is valid for the term provided by the qualifying patient's medical provider, except that the term of a written certification may not exceed one year, and issued to a qualifying patient in accordance with section 2423-B, or a digital image of that document issued by the medical provider that meets the requirements of section 2423-B, subsection 4, that states that, in the medical provider's professional opinion a, the patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the patient's medical diagnosis or symptoms associated with the medical diagnosis.

Sec. 9. 22 MRSA §2423-A, sub-§1, ¶B, as amended by PL 2017, c. 452, §4, is further amended to read:

B. Cultivate, or designate a caregiver operating under subsection 3, paragraph C to cultivate under paragraph F-1, subparagraph (1), up to a total of 6 mature marijuana plants, 12 immature marijuana plants and unlimited seedlings for that qualifying patient. The total number of mature marijuana plants per qualifying patient, whether cultivated by the patient or by a caregiver operating under subsection 3, paragraph C, may not exceed 6. The total number of immature marijuana plants per qualifying patient, whether cultivated by the patient or by a caregiver operating under subsection 3, paragraph C, may not exceed 12. Two or more qualifying patients who are members of the same household and cultivating their own marijuana plants may share ~~one~~ not more than 2 cultivation area areas;

Sec. 10. 22 MRSA §2423-A, sub-§2, ¶B, as amended by PL 2019, c. 256, §2, is further amended to read:

B. Cultivate up to 30 mature marijuana plants ~~or 500 square feet of plant canopy, up to 60 immature marijuana plants and unlimited seedlings or cultivate up to 500 square feet of mature plant canopy, up to 1,000 square feet of immature plant canopy and unlimited seedlings.~~ A caregiver may not cultivate immature plants by canopy if cultivating mature plants by plant count and may not cultivate immature plants by plant count if cultivating mature plants by canopy;

Sec. 11. 22 MRSA §2423-A, sub-§2, ¶K, as amended by PL 2017, c. 452, §4, is further amended to read:

K. Transfer ~~marijuana plants~~ immature marijuana plants, seedlings, seeds and harvested marijuana to a qualifying patient, another caregiver or a registered dispensary for reasonable compensation or for no remuneration;

Sec. 12. 22 MRSA §2423-A, sub-§2, ¶P, as amended by PL 2021, c. 367, §4, is further amended to read:

P. Operate one caregiver retail store to sell harvested marijuana to qualifying patients for the patients' medical use in accordance with this chapter; and

Sec. 13. 22 MRSA §2423-A, sub-§2, ¶Q, as amended by PL 2021, c. 367, §5, is further amended to read:

Q. Be organized as any type of legal business entity recognized under the laws of the State; and

Sec. 14. 22 MRSA §2423-A, sub-§2, ¶R, as enacted by PL 2021, c. 367, §6, is repealed.

Sec. 15. 22 MRSA §2423-A, sub-§3, ¶B, as amended by PL 2017, c. 452, §4, is further amended to read:

B. A caregiver cultivating marijuana plants for a patient's medical use must keep all plants in a cultivation area unless the plants are being transported pursuant to subsection 2, paragraph O. ~~Access to a cultivation area is limited to the caregiver, except that an elected official invited by the caregiver for the purpose of providing education to the elected official on cultivation by the caregiver, emergency services personnel, an assistant of a caregiver or a marijuana testing facility or a person who needs to gain access to a cultivation area in order to perform repairs or maintenance or to do construction may access a cultivation area to provide those professional services while under the direct supervision of the caregiver.~~

(1) The caregiver shall ensure that the mature marijuana plants, immature marijuana plants and seedlings cultivated by the caregiver are kept in separate cultivation areas. The cultivation area for mature marijuana plants and the cultivation area for immature marijuana plants and seedlings may be located on separate parcels or tracts of land, whether the parcels or tracts of land are contiguous or noncontiguous, as long as the caregiver discloses the locations of all cultivation areas to the department. The caregiver may not maintain more than 2 cultivation areas. The caregiver shall ensure that the cultivation area for mature marijuana plants and the cultivation area for immature marijuana plants comply with the plant count or plant canopy limitations of subsection 2, paragraph B.

(2) Access to cultivation areas is limited to the caregiver, except that an elected official invited by the caregiver for the purpose of providing education to the elected official on cultivation by the caregiver, emergency services personnel, an assistant of a caregiver or a marijuana testing facility or a person who needs to gain access to a cultivation area in order to perform repairs or maintenance or to do construction may access a cultivation area to provide those professional services while under the direct supervision of the caregiver.

Sec. 16. 22 MRSA §2423-A, sub-§3, ¶D, as amended by PL 2017, c. 452, §4, is further amended to read:

D. Two caregivers who are members of the same family or household may share ~~the same~~ not more than 2 cultivation ~~area~~ areas.

Sec. 17. 22 MRSA §2423-A, sub-§3, ¶E, as amended by PL 2017, c. 452, §4, is further amended to read:

E. A person who is authorized to cultivate marijuana plants under subsection 1 or 2 and who is an assistant of a caregiver pursuant to subsection 2, paragraph I may not cultivate that person's own marijuana plants in ~~the a~~ a cultivation area ~~by~~ of the caregiver who employs that person.

Sec. 18. 22 MRSA §2423-B, sub-§2-A, as amended by PL 2021, c. 387, §4, is further amended to read:

2-A. Minor qualifying patient. A medical provider who provides a written certification to a patient who has not attained 18 years of age shall:

A. Shall Prior to providing written certification, inform the qualifying patient and the parent, legal guardian or person having legal custody of the patient of the risks and benefits of the medical use of

marijuana and that the patient may benefit from the medical use of marijuana; and

~~B. May provide a written certification to a qualifying patient if the patient is eligible for hospice services and has a medical diagnosis that, in the medical provider's professional opinion, may be alleviated by the therapeutic or palliative medical use of marijuana;~~

~~C. May provide a written certification to a qualifying patient if the patient has a medical diagnosis of epilepsy, cancer, a developmental disability or an intellectual disability that, in the medical provider's professional opinion, may be alleviated by the therapeutic or palliative medical use of marijuana; and~~

~~D. If a patient does not satisfy the requirements of paragraphs B and C, may provide a written certification to a qualifying patient after consulting with a physician from a list of physicians who may be willing to consult with a medical provider maintained by the department that is compiled by the department after consultation with the Department of Health and Human Services and statewide associations representing licensed medical professionals. The consultation between the medical provider and the consulting physician may consist of examination of the patient or review of the patient's medical file. The consulting physician shall provide an advisory opinion to the medical provider and the parent, legal guardian or person having legal custody of the qualifying patient concerning whether the patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the patient's medical diagnosis. If the department or the consulting physician does not respond to a request by the medical provider within 10 days of receipt of the request, the medical provider may provide a written certification without consultation with a physician.~~

~~The parent, legal guardian or person having legal custody of a qualifying patient who has not attained 18 years of age may submit a request to the department for reimbursement of the costs associated with obtaining a 2nd opinion required by this paragraph. Requests must be submitted on a form developed by the department. The department shall review the family's annual income and expenses in determining whether to reimburse the family from the Medical Use of Marijuana Fund under section 2430 for the cost of the required 2nd consultation.~~

~~The department shall adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A to implement the reimbursement request under this paragraph, except that, beginning July 1, 2021, rules adopted pursuant to this paragraph are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.~~

E. Provide the parent, legal guardian or person having legal custody of the qualifying patient with a reliable method of communicating with the medical provider at all times, including when the medical provider's office is closed, regarding the proper dosage of and mitigation of any side effects caused by marijuana used by the qualifying patient for medical purposes.

The department shall adopt major substantive rules as defined in Title 5, chapter 375, subchapter 2-A as necessary to implement the requirements of this subsection.

Sec. 19. 22 MRSA §2423-B, sub-§3, as amended by PL 2017, c. 452, §5, is further amended to read:

3. Expiration. A written certification form for the medical use of marijuana under this section is valid for the term provided by the qualifying patient's medical provider, which must be included in the written certification and which may not exceed one year.

Sec. 20. 22 MRSA §2423-B, sub-§4, as amended by PL 2017, c. 452, §5, is further amended to read:

4. Form; content; digital image. A written certification under this section must be issued on tamper-resistant paper provided by the department in the form required by rule adopted by the department and may not require a qualifying patient's medical provider to state the patient's specific medical diagnosis. A medical provider may also provide to a qualifying patient a digital image of the patient's written certification document as long as the document portrayed in the digital image is identical to the document issued by the medical provider and the information contained in the document is legible in the digital image.

Sec. 21. 22 MRSA §2423-B, sub-§9 is enacted to read:

9. Telehealth. A medical provider who provides written certifications for the medical use of marijuana under this section may use telehealth services to consult with a patient subject to the following conditions:

A. A medical provider using telehealth services to consult with a patient seeking a written certification for the medical use of marijuana under this section shall engage in a synchronous encounter with a patient before providing a written certification or renewal of a written certification; and

B. A medical provider who provides written certifications for the medical use of marijuana and uses telehealth services to consult with patients shall operate within the standards of practice determined by the licensing board for that medical provider.

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

4. Issuance or denial of registry identification cards. The department shall verify the information contained in an application for a registry identification card or for renewal of a card submitted pursuant to subsection 3 and shall approve or deny ~~an a complete~~ application ~~for a card or for renewal of a card~~ in accordance with this subsection within 30 days of ~~receiving~~ ~~it~~ receipt.

A. Within 5 business days of approving a ~~com- pleted~~ complete application, the department shall issue a registry identification card to the applicant.

B. The department may deny an application for a card or for renewal of a card only if:

- (1) The applicant did not provide the information required pursuant to subsection 3;
- (2) The department determines that the applicant does not qualify; or
- (3) The department determines that the information provided by the applicant was falsified.

C. The department shall notify the applicant and, if the applicant is an officer or director or assistant of a registered dispensary, the registered dispensary, in writing of the reason for denying the registry identification card.

An applicant whose application is denied pursuant to this subsection may request an administrative hearing in accordance with Title 5, chapter 375, subchapter 4.

In the case of a caregiver's application for renewal of a registry identification card, upon receipt of a timely filed, complete application submitted by the caregiver, the department shall provide the caregiver with a written statement acknowledging receipt of the application that authorizes the caregiver to continue operating under the caregiver's current card until the application is approved and a renewed card is issued by the department, the application is denied and the current card expires, 90 days elapse from the date of the written statement or the current card is suspended or revoked in accordance with this chapter, whichever occurs first. If the department fails to issue or deny a renewal of a registry identification card within 90 days of providing the written statement acknowledging receipt of the application, the renewal is deemed granted and a copy of the application for renewal of the registry identification card is deemed a valid registry identification card.

If the department fails to issue or deny a valid registry identification card in response to a ~~valid complete~~ application for a card ~~or for renewal of a card~~ submitted pursuant to subsection 3 within 45 days of its submission, the registry identification card is deemed granted and a copy of the application for a registry identification card ~~or for renewal of the card~~ is deemed a valid registry identification card.

Sec. 23. 22 MRSA §2425-A, sub-§5, ¶C, as enacted by PL 2017, c. 452, §12, is amended to read:

C. Registry identification cards issued to an officer or director ~~or assistant~~ of a registered dispensary must also contain:

- (1) The legal name of the registered dispensary with which the officer or director ~~or assis- tant~~ is affiliated;
- (2) The address and date of birth of the officer or director ~~or assistant~~; and
- (3) A photograph of the officer or director ~~or assistant~~, if required by the department.

Sec. 24. 22 MRSA §2425-A, sub-§5, ¶C-1 is enacted to read:

C-1. Registry identification cards issued to an as- sistant of a registered caregiver or registered dis- pensary must also contain:

- (1) The address and date of birth of the assis- tant; and
- (2) A photograph of the assistant if required by the department.

Sec. 25. 22 MRSA §2425-A, sub-§5, ¶D, as enacted by PL 2017, c. 452, §12, is amended to read:

D. The registry identification card of an officer or director ~~or assistant~~ of a registered dispensary expires 10 days after notification is given to the department by the registered dispensary that the person has ceased to work at the dispensary.

Sec. 26. 22 MRSA §2425-A, sub-§5-A is enacted to read:

5-A. Issuance of single registry identification card to caregiver or dispensary assistant. The de- partment shall issue a single registry identification card pursuant to this section authorizing a person to be an assistant of one or more registered caregivers or regis- tered dispensaries and who satisfies all applicable re- quirements under this section for issuance of a registry identification card. A single registry identification card issued to a person in accordance with this subsection authorizes the person to assist one or more registered caregivers or registered dispensaries in accordance with this chapter and may not associate the person with or restrict the person to assisting a specific caregiver or dispensary.

Sec. 27. 22 MRSA §2425-A, sub-§7, as enacted by PL 2017, c. 452, §12, is amended to read:

7. Issuance or denial of registration certificate. The department shall verify the information contained in an application for a registration certificate or for renewal of a certificate submitted pursuant to subsection 6 and shall approve or deny ~~an a complete~~ application ~~for a certificate or for renewal of a certificate~~ in accor-

dance with this subsection within 30 days of ~~receiving~~ receipt.

- A. Within 10 days of approving a ~~completed complete~~ application, the department shall issue a registration certificate to the applicant.
- B. The department may deny an application for a certificate or for renewal of a certificate only if:
 - (1) The applicant did not provide the information required pursuant to subsection 6;
 - (2) The department determines that the applicant does not qualify; or
 - (3) The department determines that the information provided by the applicant was falsified.
- C. The department shall notify the applicant in writing of the reason for denying the registration certificate.

An applicant whose application is denied pursuant to this subsection may request an administrative hearing in accordance with Title 5, chapter 375, subchapter 4.

In the case of a registered dispensary's application for renewal of a registration certificate, upon receipt of a timely filed, complete application submitted by the dispensary, the department shall provide the dispensary with a written statement acknowledging receipt of the application that authorizes the dispensary to continue operating under the dispensary's current certificate until the application is approved and a renewed certificate is issued by the department, the application is denied and the current certificate expires, 90 days elapse from the date of the written statement or the current certificate is suspended or revoked in accordance with this chapter, whichever occurs first. If the department fails to issue or deny a renewal of a registration certificate within 90 days of providing the written statement acknowledging receipt of the application, the renewal is deemed granted and a copy of the application for renewal of the registration certificate is deemed a valid registration certificate.

If the department fails to issue or deny a registration certificate in response to a ~~valid complete~~ application for a certificate ~~or for renewal of a certificate~~ submitted pursuant to subsection 6 within 45 days of its submission, the registration certificate is deemed granted and a copy of the application for a registration certificate ~~or for renewal of the certificate~~ is deemed a valid registration certificate.

Sec. 28. 22 MRSA §2425-A, sub-§10, ¶B, as repealed and replaced by PL 2021, c. 251, §4, is amended by amending subparagraph (2) to read:

- (2) For a caregiver registering based upon plant canopy, the fee may not be less than \$50 or more than \$1,500 for a total mature plant canopy of 500 square feet or less.

Sec. 29. 22 MRSA §2425-A, sub-§12, ¶M is enacted to read:

M. A caregiver, dispensary, manufacturing facility or marijuana testing facility or an officer, director or assistant of a caregiver, dispensary, manufacturing facility or marijuana testing facility may not be required to disclose to a law enforcement officer information that could reasonably identify an individual person's identity without a warrant requiring the disclosure.

Sec. 30. 22 MRSA §2425-A, sub-§12, ¶N is enacted to read:

N. A person who accompanies a patient to obtain marijuana plants or harvested marijuana may not be required to disclose to a law enforcement officer information that could reasonably identify an individual patient's identity without a warrant requiring the disclosure.

Sec. 31. 22 MRSA §2428, sub-§6, ¶I, as amended by PL 2017, c. 452, §16, is further amended to read:

I. All cultivation of marijuana plants must take place in a cultivation area unless the marijuana plants are being transported pursuant to subsection 1-A, paragraph L. ~~Access to the cultivation area is limited to a cardholder who is an officer or director or assistant of the dispensary when acting in that cardholder's official capacity, except that an elected official invited by an officer or director or assistant for the purpose of providing education to the elected official on cultivation by the dispensary, emergency services personnel, an assistant of a~~ marijuana testing facility or a person who needs to gain access to the cultivation area in order to perform repairs or maintenance or to do construction may access the cultivation area to provide professional services while under the direct supervision of a cardholder who is an officer or director or assistant of the dispensary.

(1) The dispensary shall ensure that the mature marijuana plants and immature marijuana plants and seedlings cultivated by the dispensary are kept in separate spaces within the same cultivation area. The cultivation area must be located on a single parcel or tract of land, and the dispensary must disclose the location of the cultivation area to the department. The dispensary may not maintain more than one cultivation area.

(2) Access to cultivation areas is limited to a cardholder who is an officer, director or assistant of the dispensary when acting in that cardholder's official capacity, except that an elected official invited by an officer, director

or assistant for the purpose of providing education to the elected official on cultivation by the dispensary, emergency services personnel, an assistant of a marijuana testing facility or a person who needs to gain access to a cultivation area in order to perform repairs or maintenance or to do construction may access the cultivation area to provide professional services while under the direct supervision of a cardholder who is an officer, director or assistant of the dispensary.

Sec. 32. 22 MRSA §2429-A, sub-§4, as amended by PL 2019, c. 331, §28, is further amended to read:

4. Educational materials. A person that provides harvested marijuana to a qualifying patient ~~must~~ shall make educational materials about the use of harvested marijuana available in printed or electronic form to the qualifying patient at the time of the transaction. The department shall develop the minimum content of the educational materials provided under this subsection and make that content available publicly.

Sec. 33. 22 MRSA §2430-C, sub-§6-A is enacted to read:

6-A. Restrictions on law enforcement access. Notwithstanding any provision of law to the contrary, a law enforcement officer may not enter any location in which a qualifying patient, caregiver, registered dispensary, manufacturing facility or marijuana testing facility conducts activities authorized under this chapter or pursuant to a registry identification card or registration certificate issued under this chapter, except where:

A. The patient, caregiver, dispensary, manufacturing facility or marijuana testing facility voluntarily allows the law enforcement officer to enter the location;

B. The law enforcement officer's entry is authorized pursuant to a warrant issued by a duly authorized justice, judge or justice of the peace; or

C. The law enforcement officer's entry is authorized in accordance with a recognized exception to the warrant requirement, including, but not limited to, exigent circumstances.

Sec. 34. 22 MRSA §2430-C, sub-§7, ¶A, as enacted by PL 2017, c. 452, §24, is amended to read:

A. If the person is a qualifying patient or visiting qualifying patient, present upon request of a law enforcement officer the ~~original patient's~~ original patient's written certification ~~for the patient~~ and the patient's government-issued identification that includes a photo and proof of address; or

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

Effective April 26, 2022.

CHAPTER 663

H.P. 807 - L.D. 1129

An Act Relating to the Valuation of Improved Real Property

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

Sec. 1. 36 MRSA §701-A, as amended by PL 2007, c. 389, §1, is further amended by enacting after the 2nd paragraph a new paragraph to read:

For the purpose of establishing the valuation of improved real property, the property must be valued based on its highest and best use as of April 1st of each year, taking all of the following 3 approaches to value into consideration: cost, income capitalization and sales comparison. In establishing the valuation of improved real property, assessors shall consider age, condition, use, type of construction, location, design, physical features and economic characteristics.

Sec. 2. 36 MRSA §701-A, as amended by PL 2007, c. 389, §1, is further amended by enacting at the end a new paragraph to read:

In determining just value, consistent with the Constitution of Maine, Article IX, Section 8, a property subject to restrictions, contractual or otherwise, that restrict the permitted use of a property may not be considered comparable to property not so restricted.

See title page for effective date.

CHAPTER 664

H.P. 1259 - L.D. 1694

An Act To Create the Maine Redevelopment Land Bank Authority

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

Sec. 1. 5 MRSA §12004-G, sub-§7-G is enacted to read:

7-G.

<u>Economic Development</u>	<u>Maine Redevelopment Land Bank Authority</u>	<u>Expenses Only</u>	<u>30-A MRSA §5154</u>
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