

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

CHAPTER 669
H.P. 1457 - L.D. 1957

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

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

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

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

- A. Kits used or intended for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a scheduled drug or from which a scheduled drug can be derived;
- B. Kits used or intended for use in manufacturing, compounding, converting, producing, processing or preparing scheduled drugs;
- C. Isomerization devices used or intended for use in increasing the potency of any species of plant that is a scheduled drug;
- E. Scales and balances used or intended for use in weighing or measuring scheduled drugs;
- F. Dilutants and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used or intended for use in cutting scheduled drugs;

G. Separation gins and sifters, used or intended for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

H. Blenders, bowls, containers, spoons and mixing devices used or intended for use in compounding scheduled drugs;

I. Capsules, balloons, envelopes and other containers used or intended for use in packaging small quantities of scheduled drugs; and

J. Containers and other objects used or intended for use in storing or concealing scheduled drugs.

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

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

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

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

- A. An offense for which the sentence, including any term of probation, incarceration or supervised release, was completed ~~40~~ 5 or more years earlier; ~~or~~

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

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

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

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

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

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

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

Sec. 6. Rules, forms, policies and publications. On or after the effective date of this section, 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 shall replace references to "marijuana" with references to "cannabis."

See title page for effective date.

CHAPTER 670

H.P. 1414 - L.D. 1908

An Act To Limit Eligibility for Commercial Menhaden Fishing Licenses

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

Sec. 1. 12 MRSA §6502-C, sub-§1-A is enacted to read:

1-A. Commercial menhaden fishing license eligibility in 2023. The commissioner may not issue a 2023 resident commercial menhaden fishing license or a 2023 nonresident commercial menhaden fishing license to an individual unless that individual:

A. Possessed a license to fish commercially for menhaden in at least 2 of the following 3 years, 2019, 2020 or 2021; and

B. According to department records, reported legal landings of menhaden of 25,000 pounds or more in at least one of the following 4 years, 2019, 2020, 2021 or 2022.

Documentation, acceptable to the department, showing that the landing requirement in this paragraph has been met must be submitted to the department by January 1, 2023.

Sec. 2. 12 MRSA §6502-C, sub-§1-B is enacted to read:

1-B. Commercial menhaden fishing license eligibility after 2023. The commissioner may not issue a resident commercial menhaden fishing license or a non-resident commercial menhaden fishing license to an individual in any year subsequent to 2023 unless that individual possessed that license in the previous calendar year.

Sec. 3. Report. By January 15, 2023, the Commissioner of Marine Resources shall submit a report to the joint standing committee of the Legislature having jurisdiction over marine resources matters with details on the implementation of the Maine Revised Statutes, Title 12, section 6502-C, subsections 1-A and 1-B. The committee has the authority to report out a bill to the 131st Legislature in 2023 based on the report.

See title page for effective date.

CHAPTER 671

S.P. 90 - L.D. 201

An Act To Reduce Greenhouse Gas Emissions and Promote Weatherization in the Buildings Sector by Extending the Sunset Date for the Historic Property Rehabilitation Tax Credit

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

Sec. 1. 30-A MRSA §4722, sub-§1, ¶DD, as amended by PL 2019, c. 659, Pt. J, §1, is further amended by amending subparagraph (4) to read:

(4) Annually by every August 1st until and including August 1, ~~2025~~ 2030, the Maine State