

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT SELECT COMMITTEE ON MARIJUANA
LEGALIZATION IMPLEMENTATION**

October 2018

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STATE OF MAINE

128TH LEGISLATURE

FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contain summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Special, Second Regular and Second Special Sessions of the 128th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER..... carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE..... emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT..... legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY..... ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128th Legislature are: Monday, February 5, 2018; Wednesday, August 1, 2018; and Thursday, December 13, 2018, respectively. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

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- 4. It imposes annual financial audit responsibilities on all license holders.
- 5. It removes the requirement that a dispensary under the Maine Medical Use of Marijuana Act be incorporated under the Maine Nonprofit Corporation Act and operated on a not-for-profit basis and exempts such reorganizations from the requirement to obtain court approval or provide notice.
- 6. It imposes Maine state residency requirements on all applicants. It also allows for the transfer of a retail marijuana establishment or social club license to a person or entity that does not meet the residency requirement and allows for investment in a retail marijuana establishment or social club license by a person or entity that does not meet the residency requirement once the retail marijuana establishment or social club licensee has been operational for two years.
- 7. It allows for an entity or individual with a minority ownership interest in a retail marijuana testing facility to also have an ownership interest in a retail marijuana establishment or retail marijuana social club to encourage investment in retail marijuana testing facilities. It prohibits testing facilities from testing retail marijuana and retail marijuana products from or intended to be sold at a medical dispensary, by a caregiver or at a retail marijuana establishment or social club in which the retail marijuana testing facility licensee has any financial interest.

LD 1499 An Act To Better Regulate Marijuana

**Leave to Withdraw
Pursuant to Joint
Rule**

<u>Sponsor(s)</u> JACKSON T		<u>Committee Report</u>		<u>Amendments Adopted</u>
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This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill, which is a concept draft pursuant to Joint Rule 208, proposes to revise the laws regarding recreational marijuana sales and use to:

- 1. Change the state licensing authority from the Department of Agriculture, Conservation and Forestry to the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations;
- 2. Clarify the licensing preferences for medical marijuana dispensaries and caregivers under the Marijuana Legalization Act;
- 3. Establish a provisional license to allow marijuana dispensaries licensed under the Maine Medical Use of Marijuana Act to participate in the retail sale of marijuana prior to the establishment of licenses for retail marijuana establishments;
- 4. Expand protections for minors by modeling the laws regarding distribution, possession and use of marijuana by persons under 21 years of age on the laws prohibiting the distribution, possession and use of alcohol by persons under 21 years of age;
- 5. Establish a special marijuana tax at the rate of 10% on the retail sale of marijuana by marijuana dispensaries. This tax is in addition to the sales tax currently imposed on medical marijuana and is only imposed until the retail sale of marijuana by other establishments is authorized by the bureau;
- 6. Modify the record-keeping, audit and other compliance requirements of a person licensed as a retail marijuana

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establishment or retail marijuana social club;

7. Authorize a nonprofit medical marijuana dispensary to reorganize as a for-profit entity; and

8. Increase the sales tax on retail marijuana and marijuana products from 10% to 20%.

LD 1596 An Act To Establish the Cannabis Advisory Commission

**Leave to Withdraw
Pursuant to Joint
Rule**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JORGENSEN E DESCHAMBAULT S		

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill establishes the Cannabis Advisory Commission for the purpose of conducting a continuing study of the laws related to cannabis.

LD 1650 An Act To Amend the Marijuana Legalization Act

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP OTP-AM ONTP	S-345 KATZ R

This bill was reported by the committee pursuant to joint order H.P. 96. The bill, which is the majority report of the committee, implements the recommendations of the committee regarding the development and administration of a regulated marketplace in the State for adult use marijuana and the regulation of the personal use of marijuana and the home cultivation of marijuana for personal adult use pursuant to the Marijuana Legalization Act, as approved by the voters at referendum in November 2016.

Part A of the bill repeals the Marijuana Legalization Act, as codified in the Maine Revised Statutes, Title 7, chapter 417, and recodifies it as the Marijuana Legalization Act, referred to in this summary as "the Act," in a new Title 28-B, Adult Use Marijuana, while retaining the substance of the original Act with the following changes.

1. The term "adult use marijuana" is used instead of the term "retail marijuana."
2. It clarifies the distinction between and provides definitions for the terms "marijuana plant," "mature marijuana plant," "immature marijuana plant" and "seedling."
3. It clarifies that any conduct relating to the possession, cultivation, manufacture, testing, consumption, sale or offering for sale of marijuana or marijuana products that is not specifically authorized under the Act, pursuant to a license issued under the Act or pursuant to the Maine Medical Use of Marijuana Act is not authorized and that a person who engages in such unauthorized conduct is subject to penalties under the Act and any additional criminal or civil penalties that may be imposed under other applicable laws or rules.
4. It retains the division of regulatory authority regarding the regulation of adult use marijuana enacted as