

# MAINE STATE LEGISLATURE

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Date: 6/6/11

L.D. 1159  
(Filing No. H-541)

**HEALTH AND HUMAN SERVICES**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
125TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 857, L.D. 1159, Bill, "An Act To Amend the Identification Requirements under the Maine Medical Use of Marijuana Act"

Amend the bill by inserting after the enacting clause the following:

'Sec. 1. 22 MRSA §2423-A, sub-§§7 and 8 are enacted to read:

7. Excess marijuana; forfeiture. A person who possesses marijuana seedlings, marijuana plants or prepared marijuana in excess of the limits provided in this section and rules adopted under this section must forfeit the excess amounts to a law enforcement officer. The law enforcement officer is authorized to remove all excess marijuana seedlings, marijuana plants and prepared marijuana in order to catalog the amount of excess marijuana. Possession of marijuana in excess of the limits provided in this section and rules adopted under this section is a violation as follows:

A. Possession of marijuana in an excess amount up to 2 1/2 ounces is a violation of section 2383; and

B. Possession of marijuana in an excess amount over 2 1/2 ounces is a violation of Title 17-A, chapter 45.

8. Repeat forfeiture. If a cardholder has previously forfeited excess marijuana pursuant to subsection 7 and a subsequent forfeiture occurs, the department shall revoke the registry identification card of the cardholder and the entire amount of marijuana seedlings, marijuana plants and prepared marijuana must be forfeited to a law enforcement officer. The department shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.'

Amend the bill by inserting after section 1 the following:

'Sec. 2. 22 MRSA §2425, sub-§8, ¶G, as enacted by PL 2009, c. 631, §34 and affected by §51, is amended to read:

G. Records maintained by the department pursuant to this chapter that identify applicants for a registry identification card, registered patients, registered primary

**COMMITTEE AMENDMENT**

COMMITTEE AMENDMENT "A" to H.P. 857, L.D. 1159

1 caregivers and registered patients' physicians are confidential and may not be  
2 disclosed except as provided in this subsection and as follows:

- 3 (1) To department employees who are responsible for carrying out this chapter;
- 4 (2) Pursuant to court order or subpoena issued by a court;
- 5 (3) With written permission of the patient or the patient's guardian, if the patient  
6 is under guardianship, or a parent, if the patient has not attained 18 years of age;
- 7 (4) As permitted or required for the disclosure of health care information  
8 pursuant to section 1711-C;
- 9 (5) To a law enforcement official for law enforcement purposes. The records  
10 may not be disclosed further than necessary to achieve the limited goals of a  
11 specific investigation; and
- 12 (6) To a patient's treating physician and to a patient's primary caregiver for the  
13 purpose of carrying out this chapter.'

14 Amend the bill by adding after section 2 the following:

15 'Sec. 3. 22 MRSA §2430-B is enacted to read:

16 **§2430-B. Admissibility of records**

17 A certificate, signed by the commissioner or the commissioner's designee, stating  
18 what the records of the department show on any given matter related to this chapter is  
19 admissible in evidence in all courts of this State to prove what the records of the  
20 department are on that matter. Upon testimony of a law enforcement officer that the  
21 certificate and records were obtained by that law enforcement officer from the  
22 department, the court shall admit that certificate and those records as evidence without  
23 any further foundation or testimony. If the department stores records in a computer or  
24 similar device, a printout or other output readable by sight of information stored in the  
25 department's computer or similar device, certified by the commissioner or the  
26 commissioner's designee as an accurate reflection of the stored information, is admissible  
27 in evidence to prove the content of the records.

28 **Sec. 4. Rules.** The Department of Health and Human Services shall adopt rules  
29 allowing primary caregivers who register under the Maine Revised Statutes, Title 22,  
30 section 2425, subsection 5 to substitute a new qualifying patient who designates the  
31 primary caregiver for a former qualifying patient who has rescinded designation of the  
32 same primary caregiver. The rules must require that application for the new patient be  
33 filed within 10 days of rescission by the former patient and must:

- 34 A. Allow the substitution of a new patient in place of a former patient;
- 35 B. Specify that registration of the primary caregiver continues in full effect without  
36 interruption;
- 37 C. Prorate the fees paid by the primary caregiver; and
- 38 D. Authorize a reasonable fee for issuance of a new registry identification card to the  
39 primary caregiver.'

COMMITTEE AMENDMENT "A" to H.P. 857, L.D. 1159

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

3 **SUMMARY**

4 This amendment adds to the bill provisions on forfeiture for excess marijuana,  
5 allowing the use in court of certified copies of marijuana registry records and rulemaking  
6 on fees paid by primary caregivers.

7 **FISCAL NOTE REQUIRED**

8  
9 (See attached)

10



Approved: 05/31/11 *MAC*

# 125th MAINE LEGISLATURE

LD 1159

LR 1269(02)

**An Act To Amend the Identification Requirements under the Maine Medical Use of Marijuana Act**

**Fiscal Note for Bill as Amended by Committee Amendment "A"**

**Committee: Health and Human Services**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - General Fund

Minor cost increase - Other Special Revenue Funds

Minor revenue increase - General Fund

### Correctional and Judicial Impact Statements

Increases the number of civil violations.

The collection of additional fines may also increase General Fund revenue by minor amounts.

### Fiscal Detail and Notes

Additional costs to the Department of Health and Human Services can be absorbed within existing budgeted resources.