

MAINE STATE LEGISLATURE

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TMC
R. of S.

L.D. 1453

Date: 6/6/11

Minority

(Filing No. H-527)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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

COMMITTEE AMENDMENT "A" to H.P. 1067, L.D. 1453, Bill, "An Act To Legalize and Tax Marijuana"

Amend the bill by adding after Part F the following:

'PART G

Sec. G-1. Contingent effective date; certification. This Act takes effect only if federal law is amended to remove marijuana from the list of scheduled drugs. The Secretary of State shall certify to the Governor that federal law has changed to remove marijuana as a scheduled drug within 30 days of the effective date of the federal law change, and shall provide a copy of the certification to the Revisor of Statutes.

PART H

Sec. H-1. Statutory referendum procedure; submission at election; form of question; effective date. This Act must be submitted to the legal voters of the State at a statewide election held in the month of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

"Do you favor legalizing and taxing marijuana when marijuana is no longer a scheduled drug under federal law?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Act, the Governor shall proclaim the result without delay and this Act becomes effective 30 days

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to H.P. 1067, L.D. 1453

1 after the date of the proclamation or 30 days after the possession of marijuana is not a
2 crime under federal law, whichever occurs later.

3 The Secretary of State shall prepare and furnish to each city, town and plantation all
4 ballots, returns and copies of this Act necessary to carry out the purposes of this
5 referendum.'

6 **SUMMARY**

7 This amendment is the minority report of the Joint Standing Committee on Criminal
8 Justice and Public Safety.

9 This amendment adds a referendum question and a contingent effective date section
10 to the bill, requiring 2 things to happen before the legislation becomes effective:

11 1. The voters in the next general election in November vote in favor of the
12 legislation; and

13 2. Federal law is amended to remove marijuana from the list of scheduled drugs.

14 The Secretary of State is required to certify the results of the referendum as well as
15 when the federal law is changed. This legislation takes effect 30 days after the later of
16 the 2 actions takes place.

17 **FISCAL NOTE REQUIRED**
18 **(See attached)**



125th MAINE LEGISLATURE

LD 1453

LR 131(02)

An Act To Legalize and Tax Marijuana

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

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

Current biennium cost increase - General Fund

Referendum Costs

Month/Year	Election Type	Question	Length
Nov-11	General	Referendum	Standard

The Secretary of State's budget includes sufficient funds to accommodate one ballot of average length for the general

Fiscal Detail and Notes

If approved by the voters, legalizing the sale of marijuana and establishing a 7% rate of taxation on all sales of marijuana for commercial purposes or medical use will increase General Fund revenue by an estimated \$2,470,000 and increase revenue sharing by \$130,000 annually. Maine Revenue Services will require a one-time General Fund appropriation of \$100,000 to create and implement a new system of taxation for the commercial or medical use of marijuana.

Legalizing marijuana, if approved by the voters, will result in a loss of General Fund fine revenue estimated to be in excess of \$1,000,000 per year. The state will also experience a decrease in judicial, indigent legal services and correctional costs. The amounts cannot be determined at this time. The additional costs to the Department of the Attorney General can be absorbed utilizing existing budgeted resources.

The bill creates the Community Policing Grant Program Fund within the Department of Public Safety. The department will require a \$500 Other Special Revenue Funds allocation to be able to spend any money deposited into the Fund.