

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1423

H.P. 1011

House of Representatives, April 17, 2013

**An Act To Amend the Medical Marijuana Law Regarding Excess
Harvested Marijuana**

Reference to the Committee on Health and Human Services suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative HICKMAN of Winthrop. (BY REQUEST)
Cosponsored by Representative: DION of Portland, Senator: GERZOFSKY of Cumberland.

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

2 **Sec. 1. 22 MRSA §2423-A, sub-§1, ¶D**, as amended by PL 2011, c. 407, Pt. B,
3 §16, is further amended to read:

4 D. Furnish or offer to furnish excess prepared marijuana for reasonable
5 compensation to a primary caregiver or a registered dispensary or to another
6 qualifying patient for that patient's medical use of marijuana ~~up to 2 1/2 ounces of~~
7 ~~prepared marijuana if nothing of value is offered or transferred in return;~~

8 **Sec. 2. 22 MRSA §2423-A, sub-§2, ¶H**, as enacted by PL 2011, c. 407, Pt. B,
9 §16, is amended to read:

10 H. For the purpose of disposing of excess prepared marijuana, transfer marijuana for
11 reasonable compensation to a registered dispensary, a qualifying patient or another
12 primary caregiver ~~if nothing of value is received~~. A primary caregiver who transfers
13 prepared marijuana pursuant to this paragraph does not by virtue of only that transfer
14 qualify as a member of a collective.

15 **Sec. 3. 22 MRSA §2423-A, sub-§7**, as enacted by PL 2011, c. 383, §1, is
16 repealed.

17 **Sec. 4. 22 MRSA §2423-A, sub-§8**, as enacted by PL 2011, c. 383, §1, is
18 repealed.

19 **Sec. 5. 22 MRSA §2423-E, sub-§6**, as enacted by PL 2011, c. 407, Pt. B, §20, is
20 repealed.

21 **Sec. 6. 22 MRSA §2428, sub-§1-A, ¶E**, as enacted by PL 2011, c. 407, Pt. B,
22 §32, is amended to read:

23 E. Obtain prepared marijuana for reasonable compensation from a qualifying patient
24 under section 2423-A, subsection 1, paragraph D or a primary caregiver under section
25 2423-A, subsection 2, paragraph H.

26 **Sec. 7. 22 MRSA §2428, sub-§9, ¶E**, as amended by PL 2011, c. 407, Pt. B, §32,
27 is further amended to read:

28 E. A dispensary may ~~only~~ acquire prepared marijuana or marijuana plants only from
29 a qualifying patient in accordance with section 2423-A, subsection 1, paragraph D or
30 a primary caregiver in accordance with section 2423-A, subsection 2, paragraph H or
31 through the cultivation of marijuana by that dispensary either at the location of the
32 dispensary or at the one permitted additional location at which the dispensary
33 cultivates marijuana for medical use by qualifying patients who have designated the
34 dispensary to cultivate for them.

35 **SUMMARY**

36 Under the Maine Medical Use of Marijuana Act, a person who is authorized to
37 possess marijuana is limited in the amount of marijuana seedlings, marijuana plants or

1 prepared marijuana that the person may possess. A person who exceeds the specified
2 limits must forfeit the excess amount to a law enforcement officer. A 2nd violation
3 results in the forfeiture of all marijuana in the possession of that person and the
4 revocation of the person's registry identification card. A primary caregiver may transfer
5 excess marijuana to a registered dispensary or another caregiver but only if nothing of
6 value is received in return.

7 This bill allows a qualifying patient or primary caregiver who possesses excess
8 marijuana to sell the excess marijuana to a qualifying patient, primary caregiver or
9 registered dispensary for reasonable compensation. This bill also removes the penalties
10 for possession of excess marijuana.