

MAINE STATE LEGISLATURE

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L.D. 88

Date: 1/26/17

(Filing No. H- 3)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 66,
L.D. 88, Bill, "An Act To Delay the Implementation of Certain Portions of the Marijuana
Legalization Act"

Amend the amendment by inserting after section 1 the following:

'Sec. 2. 7 MRSA §2442, sub-§9, as enacted by IB 2015, c. 5, §1, is amended to
read:

9. **Department.** "Department" means the Department of ~~Agriculture, Conservation
and Forestry~~ Administrative and Financial Services, Bureau of Alcoholic Beverages and
Lottery Operations.

Amend the amendment by striking out all of section 6 and inserting the following:

'Sec. 6. 7 MRSA §2444, first ¶, as enacted by IB 2015, c. 5, §1, is amended to
read:

For the purpose of regulating and controlling the licensing of the cultivation,
manufacture, distribution, testing and sale of retail marijuana and retail marijuana
products in this State, the state licensing authority is the ~~Department of Agriculture,
Conservation and Forestry~~ Director of the Bureau of Alcoholic Beverages and Lottery
Operations within the Department of Administrative and Financial Services.

Sec. 7. 7 MRSA §2444, sub-§1, as enacted by IB 2015, c. 5, §1, is amended to
read:

1. **Director is chief administrative officer.** The ~~Commissioner of Agriculture,
Conservation and Forestry~~ Director of the Bureau of Alcoholic Beverages and Lottery
Operations within the Department of Administrative and Financial Services is the chief
administrative officer of the state licensing authority and may employ such officers and
employees as may be determined to be necessary. The state licensing authority has the
authority to:

A. Grant or refuse licenses for the cultivation, manufacture, distribution, sale and
testing of retail marijuana and retail marijuana products as provided by this chapter;

B. Suspend, fine, restrict or revoke licenses under paragraph A upon a violation of
this chapter or any rule adopted pursuant to this chapter; and

ROFS

1 C. Impose any penalty authorized by this chapter or any rule adopted pursuant to this
2 chapter.

3 **Sec. 8. 7 MRSA §2444-A** is enacted to read:

4 **§2444-A. Retail Marijuana Regulatory Coordination Fund**

5 The Retail Marijuana Regulatory Coordination Fund, referred to in this section as
6 "the fund," is established as a dedicated, nonlapsing other special revenue fund in the
7 Bureau of Alcoholic Beverages and Lottery Operations within the Department of
8 Administrative and Financial Services. The fund is administered and used by the
9 Director of the Bureau of Alcoholic Beverages and Lottery Operations for the purposes of
10 adopting rules and establishing regulatory procedures as required by this chapter. To
11 facilitate rulemaking and the establishment of a regulatory framework for the cultivation,
12 distribution and sale of retail marijuana, the director may expend funds from the fund to
13 enter into contracts with consultants and employ staff, as determined necessary by the
14 director, conduct meetings with stakeholders and conduct other activities related to the
15 operation of this chapter.'

16 Amend the amendment on page 4 by inserting after section 15 the following:

17 'Amend the bill by inserting after section 16 the following:

18 **'Sec. 17. Transfer from General Fund unappropriated surplus; Retail**
19 **Marijuana Regulatory Coordination Fund, Other Special Revenue Funds**
20 **account; fiscal year 2016-17.** Notwithstanding any other provision of law, the State
21 Controller shall transfer \$1,600,000 from the General Fund unappropriated surplus to the
22 Retail Marijuana Regulatory Coordination Fund program, Other Special Revenue Funds
23 account within the Department of Administrative and Financial Services no later than
24 February 15, 2017.

25 **Sec. 18. Appropriations and allocations.** The following appropriations and
26 allocations are made.

27 **ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

28 **Retail Marijuana Regulatory Coordination Fund N233**

29 Initiative: Allocates funds to establish the Retail Marijuana Regulatory Coordination
30 Fund.

31	OTHER SPECIAL REVENUE	2016-17	2017-18	2018-19
32	FUNDS			
33	All Other	\$1,600,000	\$0	\$0
34				
35	OTHER SPECIAL REVENUE	\$1,600,000	\$0	\$0
36	FUNDS TOTAL			
37				

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SUMMARY

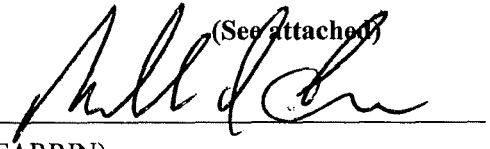
This amendment changes the state licensing authority under the Marijuana Legalization Act from the Department of Agriculture, Conservation and Forestry to the Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services. It also establishes the Retail Marijuana Regulatory Coordination Fund to be used by the director for rulemaking and other duties related to implementation of a regulatory scheme for the cultivating, distribution and sale of retail marijuana. This amendment also transfers \$1,600,000 from unappropriated General Fund surplus to the fund.

The amendment also adds an appropriations and allocations section.

FISCAL NOTE REQUIRED

(See attached)

SPONSORED BY:



(Representative FARRIN)

TOWN: Norridgewock



128th MAINE LEGISLATURE

LD 88

LR 1572(05)

An Act To Delay the Implementation of Certain Portions of the Marijuana Legalization Act

Fiscal Note for House Amendment 'A' to Committee Amendment "A"

Sponsor: Rep. Farrin of Norridgewock

Fiscal Note Required: Yes

Fiscal Note

	FY 2016-17	FY 2017-18	FY 2018-19	Projections FY 2019-20	Projections FY 2020-21
Net Cost (Savings)					
General Fund	\$1,600,000	\$0	\$0	\$0	\$0
Appropriations/Allocations					
Other Special Revenue Funds	\$1,600,000	\$0	\$0	\$0	\$0
Transfers					
General Fund	(\$1,600,000)	\$0	\$0	\$0	\$0
Other Special Revenue Funds	\$1,600,000	\$0	\$0	\$0	\$0

Fiscal Detail and Notes

This bill replaces the Department of Agriculture, Conservation and Forestry with the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services (BABLO) as the state licensing authority to regulate and control the licensing of the cultivation, manufacture, distribution, testing and sale of retail marijuana and retail marijuana products. It also establishes the Retail Marijuana Regulatory Coordination Fund within BABLO.

This amendment includes an Other Special Revenue Funds allocation of \$1,600,000 in fiscal year 2016-17 to BABLO to establish the Retail Marijuana Regulatory Coordination Fund. It also includes a \$1,600,000 transfer from the unappropriated surplus of the General Fund in fiscal year 2016-17 to the new fund. BABLO may use the fund to conduct rulemaking, enter into contracts with consultants, hire staff and implement other activities of this bill.