

MAINE STATE LEGISLATURE

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L.D. 1539

Date: 6/20/2018

(Filing No. S-503)

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STATE OF MAINE
SENATE
128TH LEGISLATURE
SECOND SPECIAL SESSION

SENATE AMENDMENT "C" to COMMITTEE AMENDMENT "A" to H.P. 1060, L.D. 1539, Bill, "An Act To Amend Maine's Medical Marijuana Law"

Amend the amendment by inserting after the title the following:

'Amend the bill by inserting before the enacting clause the following:

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, amendments to the Maine Medical Use of Marijuana Act are necessary to provide clarity in the registration and regulation of medical marijuana entities and in the oversight and enforcement of the laws regarding qualified patient use and cultivation of marijuana; and

Whereas, the amendments to the Maine Medical Use of Marijuana Act should be adopted in a manner consistent with the timely implementation of a retail marketplace in the State for adult use marijuana and adult use marijuana products; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,''

Amend the amendment in section 7 in §2423-A in subsection 2 in paragraph P in the first line (page 13, line 9 in amendment) by striking out the following: "a retail" and inserting the following: 'one retail'

Amend the amendment in section 21 by striking out all of §2429-D (page 44, lines 37 to 40 and page 45, lines 1 to 3 in amendment) and inserting the following:

§2429-D. Local regulation

Pursuant to the home rule authority granted under the Constitution of Maine, Article VIII, Part Second and Title 30-A, section 3001, a municipality may regulate registered caregivers, registered caregiver retail stores operating pursuant to section 2423-A, subsection 2, paragraph P, registered dispensaries, marijuana testing facilities and manufacturing facilities.

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A municipality may not:

1. Registered caregivers. Prohibit or limit the number of registered caregivers;

2. Stores, dispensaries, testing and manufacturing facilities. Prohibit registered caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities that are operating in the municipality prior to the effective date of this section; or

3. Municipal authorization needed. Authorize registered caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities that are not operating on the effective date of this section to operate in the municipality unless the municipal legislative body, as defined in Title 30-A, section 2001, subsection 9, has voted to adopt or amend an ordinance or approve a warrant article allowing registered caregiver retail stores, registered dispensaries, marijuana testing facilities or manufacturing facilities, as applicable, to operate within the municipality.'

Amend the amendment by adding before the summary the following:

'Amend the bill by adding before the summary the following:

'**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.'

SUMMARY

This amendment adds an emergency preamble and emergency clause to the bill. It provides that a registered caregiver may operate one retail store to sell harvested marijuana to qualifying patients. It provides that a municipality may not prohibit registered caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities that are operating in the municipality prior to the effective date of this legislation and that a municipality may not authorize registered caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities that are not operating on the effective date of this legislation to operate in the municipality unless the municipal legislative body has voted to adopt or amend an ordinance or approve a warrant article allowing registered caregiver retail stores, registered dispensaries, marijuana testing facilities or manufacturing facilities to operate within the municipality.

SPONSORED BY: _____



(Senator KATZ)

COUNTY: Kennebec