

# MAINE STATE LEGISLATURE

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L.D. 1641

Date: 7/19/2017

(Filing No. S- 326)

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STATE OF MAINE  
SENATE  
128TH LEGISLATURE  
FIRST REGULAR SESSION

SENATE AMENDMENT "A" to H.P. 1132, L.D. 1641, Bill, "An Act To Amend the Marijuana Legalization Act Regarding Retail Marijuana Testing Facilities"

Amend the bill in section 6 in the first line (page 2, line 11 in L.D.) by striking out the following: "c. 1, §7" and inserting the following: 'c. 278, §5'

Amend the bill in section 6 in §2445 by striking out all of the first indented paragraph (page 2, lines 14 to 28 in L.D.) and inserting the following:

'Beginning February 1, 2018, the state licensing authority shall establish, ~~within a specific time frame, a~~ an independent testing and certification program for retail marijuana and retail marijuana products ~~independent testing and certification program.~~ This Except as otherwise provided in this section, the program must require licensees to test retail marijuana and retail marijuana products to ensure at a minimum that products sold for human consumption do a retail marijuana licensee, prior to selling or furnishing retail marijuana or a retail marijuana product to a consumer or to another licensee, to submit the marijuana or marijuana product to a retail marijuana testing facility for testing pursuant to this section to ensure that the marijuana or marijuana product does not contain eontaminants exceed the maximum level of allowable contamination for any contaminant that are is injurious to health and for which testing is required and to ensure correct labeling. The Commissioner of Agriculture, Conservation and Forestry shall adopt rules regarding retail marijuana testing facilities as authorized by sections 1-C and 2444, subsection 2. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A identifying the types of contaminants that are injurious to health for which marijuana and marijuana products must be tested under this section and the maximum level of allowable contamination for each contaminant.'

Amend the bill in section 7 in the first line (page 4, line 11 in L.D.) by striking out the following: "enacted by IB 2015, c. 5, §1, is amended" and inserting the following: 'amended by PL 2017, c. 278, §8, is further amended'

Amend the bill in section 7 in subsection 6 by striking out all of the first blocked paragraph (page 4, lines 20 to 23 in L.D.) and inserting the following:

'The Department of Agriculture, Conservation and Forestry shall adopt rules pursuant to its authority in section 2445 related to acceptable testing and research practices, including but not limited to testing, standards, quality control analysis, equipment certification and

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1 ~~calibration, chemical identification and other practices used in bona fide research~~  
2 ~~methods. Rules adopted pursuant to this subsection are major substantive rules as defined~~  
3 ~~in Title 5, chapter 375, subchapter 2-A.'~~

4 Amend the bill in section 8 in the first line (page 6, line 32 in L.D.) by striking out  
5 the following: "enacted by IB 2015, c. 5, §1" and inserting the following: 'amended by PL  
6 2017, c. 278, §9'

7 Amend the bill in section 9 in subsection 8-A in paragraph A in the 3rd line (page 6,  
8 line 39 in L.D.) by inserting after the following: "authority" the following: 'or the  
9 Department of Agriculture, Conservation and Forestry'

10 Amend the bill in section 9 in subsection 8-A in paragraph B in the first line (page 7,  
11 line 1 in L.D.) by inserting after the following: "authority" the following: 'or the  
12 Department of Agriculture, Conservation and Forestry'

13 Amend the bill in section 9 in subsection 8-A in paragraph B in the 2nd line (page 7,  
14 line 2 in L.D.) by inserting after the following: "chapter and" the following: 'the state  
15 licensing authority'

16 Amend the bill in section 9 in subsection 8-A in paragraph C in the 3rd line (page 7,  
17 line 9 in L.D.) by inserting after the following: "authority," the following: 'the  
18 Department of Agriculture, Conservation and Forestry,'

19 Amend the bill in section 9 in subsection 8-A in paragraph C in the 2nd from the last  
20 line (page 7, line 12 in L.D.) by inserting after the following: "authority," the following:  
21 'the Department of Agriculture, Conservation and Forestry,'

22 Amend the bill by striking out all of section 10 and inserting the following:

23 **'Sec. 10. Transfer; Marijuana Regulation and Licensing Fund program.**  
24 Notwithstanding any other provision of law to the contrary, the State Controller, within 5  
25 days of the effective date of this Act, shall transfer \$91,032 from the Retail Marijuana  
26 Regulatory Coordination Fund in the Department of Administrative and Financial  
27 Services to the Marijuana Regulation and Licensing Fund program in the Department of  
28 Agriculture, Conservation and Forestry.

29 **Sec. 11. Transfer; Maine Center for Disease Control and Prevention**  
30 **program.** Notwithstanding any other provision of law to the contrary, the State  
31 Controller, within 5 days of the effective date of this Act, shall transfer \$84,722 from the  
32 Retail Marijuana Regulatory Coordination Fund in the Department of Administrative and  
33 Financial Services to the Maine Center for Disease Control and Prevention program in  
34 the Department of Health and Human Services.

35 **Sec. 12. Appropriations and allocations.** The following appropriations and  
36 allocations are made.

37 **AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**  
38 **Marijuana Regulation and Licensing Fund N219**  
39 Initiative: Provides allocations for one Consumer Protection Inspector position, one pool  
40 vehicle and position technology costs.

SENATE AMENDMENT "A" to H.P. 1132, L.D. 1641

1	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2017-18</b>	<b>2018-19</b>
2	POSITIONS - LEGISLATIVE COUNT	1,000	1,000
3	Personal Services	\$76,032	\$79,801
4	All Other	\$15,000	\$12,500
5			
6	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$91,032</b>	<b>\$92,301</b>
7	<b>AGRICULTURE, CONSERVATION AND</b>		
8	<b>FORESTRY, DEPARTMENT OF</b>		
9	<b>DEPARTMENT TOTALS</b>	<b>2017-18</b>	<b>2018-19</b>
10			
11	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$91,032</b>	<b>\$92,301</b>
12			
13	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$91,032</b>	<b>\$92,301</b>
14	<b>HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)</b>		
15	<b>Maine Center for Disease Control and Prevention 0143</b>		
16	Initiative: Provides allocations for one Environmental Specialist III position to certify		
17	licensed retail marijuana testing facilities.		
18	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2017-18</b>	<b>2018-19</b>
19	POSITIONS - LEGISLATIVE COUNT	1,000	1,000
20	Personal Services	\$74,552	\$77,185
21	All Other	\$10,170	\$10,170
22			
23	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$84,722</b>	<b>\$87,355</b>
24	<b>HEALTH AND HUMAN SERVICES,</b>		
25	<b>DEPARTMENT OF (FORMERLY DHS)</b>		
26	<b>DEPARTMENT TOTALS</b>	<b>2017-18</b>	<b>2018-19</b>
27			
28	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$84,722</b>	<b>\$87,355</b>
29			
30	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$84,722</b>	<b>\$87,355</b>
31	<b>SECTION TOTALS</b>	<b>2017-18</b>	<b>2018-19</b>
32			
33	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$175,754</b>	<b>\$179,656</b>
34			
35	<b>SECTION TOTAL - ALL FUNDS</b>	<b>\$175,754</b>	<b>\$179,656</b>
36			

ROFS

SENATE AMENDMENT "A" to H.P. 1132, L.D. 1641

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**SUMMARY**

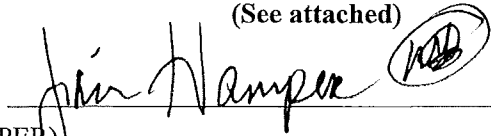
This amendment makes changes to the bill to reflect the designation of the Department of Administrative and Financial Services as the state licensing authority pursuant to Public Law 2017, chapter 278.

This amendment also removes the General Fund appropriations from the bill, replaces them with Other Special Revenue Funds allocations and requires the State Controller to transfer from the Retail Marijuana Regulatory Coordination Fund within the Department of Administrative and Financial Services \$91,032 to the Marijuana Regulation and Licensing Fund program within the Department of Agriculture, Conservation and Forestry and \$84,722 to the Maine Center for Disease Control and Prevention program within the Department of Health and Human Services.

**FISCAL NOTE REQUIRED**

(See attached)

SPONSORED BY:

*John Hamper* 

(Senator HAMPER)

COUNTY: Oxford



# 128th MAINE LEGISLATURE

LD 1641

LR 2391(03)

An Act To Amend the Marijuana Legalization Act Regarding Retail Marijuana Testing Facilities

Fiscal Note for Senate Amendment "A" to Original Bill

Sponsor: Sen. Hamper of Oxford

Fiscal Note Required: Yes

## Fiscal Note

	FY 2017-18	FY 2018-19	Projections FY 2019-20	Projections FY 2020-21
<b>Net Cost (Savings)</b>				
General Fund	(\$175,754)	\$0	\$0	\$0
<b>Appropriations/Allocations</b>				
General Fund	(\$175,754)	\$0	\$0	\$0
Other Special Revenue Funds	\$175,754	\$0	\$0	\$0
<b>Transfers</b>				
Other Special Revenue Funds	\$0	\$0	\$0	\$0

### Fiscal Detail and Notes

This amendment eliminates the General Fund cost of the bill by removing the fiscal year 2017-18 General Fund appropriations of \$91,032 to the Department of Agriculture, Conservation and Forestry (ACF) and \$84,722 to the Department of Health and Human Services (DHHS). Instead, the amendment transfers the same amounts in fiscal year 2017-18 only from the Retail Marijuana Regulatory Coordination Fund within the Department of Administrative and Financial Services to the Marijuana Regulation and Licensing Fund within ACF and to the Maine Center for Disease Control and Prevention program in DHHS.