

# MAINE STATE LEGISLATURE

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L.D. 1650

Date: 10/23/17

(Filing No. H-571)

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

HOUSE AMENDMENT "A" to H.P. 1139, L.D. 1650, Bill, "An Act To Amend the Marijuana Legalization Act"

Amend the bill by striking out everything after the title and before the summary and inserting 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,** implementing a system for the regulation and administration of the cultivation, distribution and retail sale of recreational marijuana, a controlled substance, is a complex function with significant financial costs; 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,

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

**Sec. 1. 7 MRSA §2445, first ¶,** as amended by PL 2017, c. 309, §6, is further amended to read:

Beginning ~~February 1, 2018~~ July 1, 2018, the state licensing authority shall establish an independent testing and certification program for retail marijuana and retail marijuana products. Except as otherwise provided in this section, the program must require 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 exceed the maximum level of allowable contamination for any contaminant that 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 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.

**HOUSE AMENDMENT**

1           **Sec. 2. 7 MRSA §2446, sub-§5**, as enacted by PL 2017, c. 1, §8, is amended to  
2 read:

3           **5. Effective date.** This section takes effect ~~February 1, 2018~~ July 1, 2018.

4           **Sec. 3. 7 MRSA §2447, first ¶**, as amended by PL 2017, c. 1, §9, is further  
5 amended to read:

6           Beginning ~~February 1, 2018~~ July 1, 2018, an application for a license under the  
7 provisions of this chapter must be made to the state licensing authority on forms prepared  
8 and furnished by the state licensing authority and must set forth such information as the  
9 state licensing authority may require to enable the state licensing authority to determine  
10 whether a license should be granted. The information must include the name and address  
11 of the applicant and the names and addresses of the applicant's officers, directors or  
12 managers. Each application must be verified by the oath or affirmation of such person or  
13 persons as the state licensing authority may prescribe. The state licensing authority may  
14 issue a license to an applicant pursuant to this section upon completion of the applicable  
15 criminal history record check associated with the application. The license is conditioned  
16 upon municipal approval. An applicant is prohibited from operating a retail marijuana  
17 establishment or retail marijuana social club without state licensing authority and  
18 municipal approval. If the applicant does not receive municipal approval within one year  
19 from the date of state licensing authority approval, the license expires and may not be  
20 renewed. If an application is not approved by the municipality, the state licensing  
21 authority shall revoke the license.

22           **Sec. 4. 7 MRSA §2448, sub-§19**, as enacted by PL 2017, c. 1, §10, is amended to  
23 read:

24           **19. Effective date.** This section takes effect ~~February 1, 2018~~ July 1, 2018.

25           **Sec. 5. 7 MRSA §2449, sub-§6**, as enacted by PL 2017, c. 1, §11, is amended to  
26 read:

27           **6. Effective date.** This section takes effect ~~February 1, 2018~~ July 1, 2018.

28           **Sec. 6. 7 MRSA §2450, first ¶**, as amended by PL 2017, c. 1, §12, is further  
29 amended to read:

30           Beginning ~~February 1, 2018~~ July 1, 2018, a license granted under the provisions of  
31 this chapter is not transferable except as provided in this section, but this section does not  
32 prevent a change of location as provided in section 2451, subsection 7.

33           **Sec. 7. 7 MRSA §2451, first ¶**, as amended by PL 2017, c. 1, §13, is further  
34 amended to read:

35           Beginning ~~February 1, 2018~~ July 1, 2018, the following provisions govern licensing  
36 in general.

37           **Sec. 8. 7 MRSA §2452, sub-§1, ¶¶D and E**, as amended by PL 2017, c. 1, §14,  
38 are further amended to read:

39           D. Beginning ~~February 1, 2018~~ July 1, 2018, purchase up to 2 1/2 ounces of retail  
40 marijuana and marijuana accessories from a retail marijuana store; and

1 E. Beginning ~~February 1, 2018~~ July 1, 2018, purchase up to 12 seedlings or  
2 immature plants from a retail marijuana cultivation facility.

3 **Sec. 9. 7 MRSA §2452, sub-§7**, as enacted by PL 2017, c. 1, §16, is amended to  
4 read:

5 **7. Possession of certain edibles.** Notwithstanding subsection 1, until ~~February 1,~~  
6 2018 July 1, 2018, a person may not possess edible retail marijuana products. This  
7 subsection does not apply to marijuana products purchased for medical use pursuant to  
8 Title 22, chapter 558-C.

9 **Sec. 10. 7 MRSA §2453, sub-§4**, as enacted by PL 2017, c. 1, §17, is amended to  
10 read:

11 **4. Effective date.** This section takes effect ~~February 1, 2018~~ July 1, 2018.

12 **Sec. 11. 7 MRSA §2454, sub-§5**, as enacted by PL 2017, c. 1, §18, is amended to  
13 read:

14 **5. Effective date.** This section takes effect ~~February 1, 2018~~ July 1, 2018.

15 **Sec. 12. 36 MRSA §1817, sub-§8**, as enacted by PL 2017, c. 1, §21, is amended  
16 to read:

17 **8. Effective date.** This section takes effect ~~February 1, 2018~~ July 1, 2018.

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

20 **SUMMARY**

21 This amendment strikes the bill in its entirety and instead further delays, until July 1,  
22 2018, the effective date of those provisions of the Marijuana Legalization Act that were  
23 delayed until February 1, 2018 by Public Law 2017, chapter 1.

24 **SPONSORED BY:** \_\_\_\_\_

25 **(Representative FREDETTE)**

26 **TOWN: Newport**

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



# 128th MAINE LEGISLATURE

LD 1650

LR 2395(04)

## An Act To Amend the Marijuana Legalization Act

### Fiscal Note for House Amendment "A" to Original Bill

Sponsor: Rep. Fredette of Newport

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	(\$767,383)	(\$2,983,680)	(\$2,490,284)	(\$1,321,324)
Highway Fund	\$0	(\$23,962)	(\$24,656)	(\$25,369)
<b>Appropriations/Allocations</b>				
General Fund	(\$767,383)	(\$3,142,940)	(\$3,469,439)	(\$3,572,614,
Highway Fund	\$0	(\$23,962)	(\$24,656)	(\$25,369)
Other Special Revenue Funds	(\$200,000)	(\$1,672,559)	(\$3,314,102)	(\$4,630,309)
<b>Revenue</b>				
General Fund	\$0	(\$159,260)	(\$979,155)	(\$2,251,290)
Other Special Revenue Funds	(\$200,000)	(\$1,629,315)	(\$3,222,420)	(\$4,524,785)
<b>Transfers</b>				
Other Special Revenue Funds	\$0	\$0	\$0	\$0

### Fiscal Detail and Notes

This amendment further delays, until July 1, 2018, the effective date of those provisions of the Marijuana Legalization Act that were delayed until February 1, 2018 by Public Law 2017, chapter 1. After this amendment, and assuming sales will then not begin until January 1, 2019, the bill will reduce General Fund revenue from the tax on marijuana sales by \$2,254,000 in fiscal year 2017-18 and by \$8,526,000 in fiscal year 2018-19. Local Government Fund revenue will be reduced by \$46,000 in fiscal year 2017-18 and by \$174,000 in fiscal year 2018-19.

As this amendment strikes all of the bill in addition to imposing a delay, all appropriations and allocations and the transfer are removed from the bill and are shown above as being reversed. To date no additional funding for expenditures related to the implementation of the Marijuana Legalization Act (MLA) has been provided. This amendment will delay the need for that funding and additional legislation will still be required to fund the establishment of a regulated marketplace in the State for the adult use of marijuana under the Marijuana Legalization Act.