

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST SPECIAL SESSION-2017

Legislative Document

No. 1651

H.P. 1140

House of Representatives, October 23, 2017

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

(EMERGENCY)

Reference to the Joint Select Committee on Marijuana Legalization Implementation
suggested and ordered printed.

A handwritten signature in cursive script that reads "R. B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative FREDETTE of Newport. (GOVERNOR'S BILL)

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

3 **Whereas,** implementing a system for the regulation and administration of the
4 cultivation, distribution and retail sale of recreational marijuana, a controlled substance, is
5 a complex function with significant financial costs; and

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

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

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

13 Beginning ~~February 1, 2018~~ January 1, 2019, the state licensing authority shall
14 establish an independent testing and certification program for retail marijuana and retail
15 marijuana products. Except as otherwise provided in this section, the program must
16 require a retail marijuana licensee, prior to selling or furnishing retail marijuana or a retail
17 marijuana product to a consumer or to another licensee, to submit the marijuana or
18 marijuana product to a retail marijuana testing facility for testing pursuant to this section
19 to ensure that the marijuana or marijuana product does not exceed the maximum level of
20 allowable contamination for any contaminant that is injurious to health and for which
21 testing is required and to ensure correct labeling. The Commissioner of Agriculture,
22 Conservation and Forestry shall adopt rules identifying the types of contaminants that are
23 injurious to health for which marijuana and marijuana products must be tested under this
24 section and the maximum level of allowable contamination for each contaminant.

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

27 **5. Effective date.** This section takes effect ~~February 1, 2018~~ January 1, 2019.

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

30 Beginning ~~February 1, 2018~~ January 1, 2019, an application for a license under the
31 provisions of this chapter must be made to the state licensing authority on forms prepared
32 and furnished by the state licensing authority and must set forth such information as the
33 state licensing authority may require to enable the state licensing authority to determine
34 whether a license should be granted. The information must include the name and address
35 of the applicant and the names and addresses of the applicant's officers, directors or
36 managers. Each application must be verified by the oath or affirmation of such person or
37 persons as the state licensing authority may prescribe. The state licensing authority may
38 issue a license to an applicant pursuant to this section upon completion of the applicable
39 criminal history record check associated with the application. The license is conditioned

1 upon municipal approval. An applicant is prohibited from operating a retail marijuana
2 establishment or retail marijuana social club without state licensing authority and
3 municipal approval. If the applicant does not receive municipal approval within one year
4 from the date of state licensing authority approval, the license expires and may not be
5 renewed. If an application is not approved by the municipality, the state licensing
6 authority shall revoke the license.

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

9 **19. Effective date.** This section takes effect ~~February 1, 2018~~ January 1, 2019.

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

12 **6. Effective date.** This section takes effect ~~February 1, 2018~~ January 1, 2019.

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

15 Beginning ~~February 1, 2018~~ January 1, 2019, a license granted under the provisions
16 of this chapter is not transferable except as provided in this section, but this section does
17 not prevent a change of location as provided in section 2451, subsection 7.

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

20 Beginning ~~February 1, 2018~~ January 1, 2019, the following provisions govern
21 licensing in general.

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

24 D. Beginning ~~February 1, 2018~~ January 1, 2019, purchase up to 2 1/2 ounces of retail
25 marijuana and marijuana accessories from a retail marijuana store; and

26 E. Beginning ~~February 1, 2018~~ January 1, 2019, purchase up to 12 seedlings or
27 immature plants from a retail marijuana cultivation facility.

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

30 **7. Possession of certain edibles.** Notwithstanding subsection 1, until ~~February 1,~~
31 ~~2018~~ January 1, 2019, a person may not possess edible retail marijuana products. This
32 subsection does not apply to marijuana products purchased for medical use pursuant to
33 Title 22, chapter 558-C.

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

36 **4. Effective date.** This section takes effect ~~February 1, 2018~~ January 1, 2019.

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

3 **5. Effective date.** This section takes effect ~~February 1, 2018~~ January 1, 2019.

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

6 **8. Effective date.** This section takes effect ~~February 1, 2018~~ January 1, 2019.

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

9 **SUMMARY**

10 This bill further delays, until January 1, 2019, the effective date of those provisions of
11 the Marijuana Legalization Act that were delayed until February 1, 2018 by Public Law
12 2017, chapter 1.