

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

SECOND REGULAR SESSION-2018

Legislative Document

No. 1775

S.P. 660

In Senate, January 5, 2018

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

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Handwritten signature of Heather J.R. Priest in cursive.

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator KATZ of Kennebec.

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,** certain portions of the Marijuana Legalization Act were delayed until
7 February 1, 2018 to allow for the development and implementation of that system; and

8 **Whereas,** the Legislature needs more time to develop that system; and

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

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

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

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

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

30 **5. Effective date.** This section takes effect ~~February 1, 2018~~ May 1, 2018.

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

33 Beginning ~~February 1, 2018~~ May 1, 2018, an application for a license under the
34 provisions of this chapter must be made to the state licensing authority on forms prepared
35 and furnished by the state licensing authority and must set forth such information as the
36 state licensing authority may require to enable the state licensing authority to determine
37 whether a license should be granted. The information must include the name and address
38 of the applicant and the names and addresses of the applicant's officers, directors or

1 managers. Each application must be verified by the oath or affirmation of such person or
2 persons as the state licensing authority may prescribe. The state licensing authority may
3 issue a license to an applicant pursuant to this section upon completion of the applicable
4 criminal history record check associated with the application. The license is conditioned
5 upon municipal approval. An applicant is prohibited from operating a retail marijuana
6 establishment or retail marijuana social club without state licensing authority and
7 municipal approval. If the applicant does not receive municipal approval within one year
8 from the date of state licensing authority approval, the license expires and may not be
9 renewed. If an application is not approved by the municipality, the state licensing
10 authority shall revoke the license.

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

13 **19. Effective date.** This section takes effect ~~February 1, 2018~~ May 1, 2018.

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

16 **6. Effective date.** This section takes effect ~~February 1, 2018~~ May 1, 2018.

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

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

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

24 Beginning ~~February 1, 2018~~ May 1, 2018, the following provisions govern licensing
25 in general.

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

28 D. Beginning ~~February 1, 2018~~ May 1, 2018, purchase up to 2 1/2 ounces of retail
29 marijuana and marijuana accessories from a retail marijuana store; and

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

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

34 **7. Possession of certain edibles.** Notwithstanding subsection 1, until ~~February 1,~~
35 ~~2018~~ May 1, 2018, a person may not possess edible retail marijuana products. This
36 subsection does not apply to marijuana products purchased for medical use pursuant to
37 Title 22, chapter 558-C.

