

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1444

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H.P. 1056

House of Representatives, April 2, 2019

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**An Act To Make the Distance to Schools for Marijuana  
Establishments Consistent with the Liquor Laws**

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Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

*Robert B. Hunt*

ROBERT B. HUNT  
Clerk

Presented by Representative MADIGAN of Waterville.  
Cosponsored by Representative HICKMAN of Winthrop, Senator CHIPMAN of Cumberland  
and Representatives: COREY of Windham, O'CONNOR of Berwick, TALBOT ROSS of  
Portland, WARREN of Hallowell, Senators: BLACK of Franklin, President JACKSON of  
Aroostook, MIRAMANT of Knox.

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

2 **Sec. 1. 28-B MRSA §402, sub-§2, ¶A**, as enacted by PL 2017, c. 409, Pt. A, §6,  
3 is amended to read:

4 A. The marijuana establishment is proposed to be located within ~~1,000~~ 300 feet of  
5 ~~the property line of a preexisting public or private school, except that, if a~~  
6 ~~municipality by ordinance or other regulation prohibits the location of marijuana~~  
7 ~~establishments at distances less than 1,000 feet but not less than 500 feet from the~~  
8 ~~property line of a preexisting public or private school, that lesser distance applies.~~  
9 The distance must be measured from the main entrance of the marijuana  
10 establishment to the main entrance of the public or private school by the ordinary  
11 course of travel. For the purposes of this paragraph, "school" includes a public  
12 school, as defined in Title 20-A, section 1, subsection 24, a private school, as defined  
13 in Title 20-A, section 1, subsection 22, a public preschool program, as defined in  
14 Title 20-A, section 1, subsection 23-A or any other educational facility that serves  
15 children from prekindergarten to grade 12; or

16 **Sec. 2. 28-B MRSA §403, sub-§2, ¶A**, as enacted by PL 2017, c. 409, Pt. A, §6,  
17 is amended to read:

18 A. The marijuana establishment is proposed to be located within ~~1,000~~ 300 feet of  
19 ~~the property line of a preexisting public or private school, except that, if the Maine~~  
20 ~~Land Use Planning Commission prohibits the location of marijuana establishments~~  
21 ~~within a town, plantation or township at distances less than 1,000 feet but not less~~  
22 ~~than 500 feet from the property line of a preexisting public or private school, that~~  
23 ~~lesser distance applies.~~ The distance must be measured from the main entrance of the  
24 marijuana establishment to the main entrance of the public or private school by the  
25 ordinary course of travel. For the purposes of this paragraph, "school" has the same  
26 meaning as in section 402, subsection 2, paragraph A; or

27 **Sec. 3. 28-B MRSA §702, sub-§1, ¶C**, as enacted by PL 2017, c. 409, Pt. A, §6,  
28 is amended to read:

29 C. May not be placed or otherwise used within ~~1,000~~ 300 feet of ~~the property line of~~  
30 ~~a preexisting public or private school, except that, if a municipality by ordinance or~~  
31 ~~other regulation, or, in the case of a town, plantation or township located in the~~  
32 ~~unorganized and deorganized areas, the Maine Land Use Planning Commission,~~  
33 ~~chooses to prohibit the placement or use of signs or advertising by or on behalf of a~~  
34 ~~marijuana establishment at distances greater than or less than 1,000 feet but not less~~  
35 ~~than 500 feet from the property line of a preexisting public or private school, that~~  
36 ~~greater or lesser distance applies.~~ The distance must be measured from the main  
37 entrance of the marijuana establishment to the main entrance of the public or private  
38 school by the ordinary course of travel. As used in this paragraph, "school" has the  
39 same meaning as in section 402, subsection 2, paragraph A; and

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## **SUMMARY**

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This bill changes the distance requirements under the adult use marijuana provisions from 1,000 feet to 300 feet for a marijuana establishment to a preexisting public or private school and the method by which the distance is measured to make the adult use marijuana distance requirements consistent with liquor law requirements.

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