

# MAINE STATE LEGISLATURE

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Date: 6-8-21

# VETERANS AND LEGAL AFFAIRS

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## STATE OF MAINE HOUSE OF REPRESENTATIVES 130TH LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 441, L.D. 605, "An Act To Amend the Marijuana Legalization Act"

Amend the bill by inserting after the title and before the enacting clause 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,** businesses regulated under the State's adult use marijuana program are in the early stages of operation and the changes provided in this bill will help those businesses get started; and

**Whereas,** this bill removes the October 1, 2021 repeal of the law providing for licensee self-sampling of marijuana for the purpose of mandatory testing; and

**Whereas,** this bill needs to take effect before the expiration of the 90-day period in order to take effect before October 1, 2021; 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,'

Amend the bill by striking out everything after the enacting clause and inserting the following:

**'Sec. 1. 28-B MRSA §102, sub-§35,** as amended by PL 2019, c. 528, §19, is further amended to read:

**35. Marijuana trim.** "Marijuana trim" means any part of a marijuana plant, whether processed or unprocessed, that is not marijuana flower or a marijuana seed except that "marijuana trim" does not include the stalks or roots of the marijuana plant. "Marijuana trim" does not include any part of a hemp plant as defined in Title 7, section 2231, subsection 1-A, paragraph D.

ROFS

1       **Sec. 2. 28-B MRSA §102, sub-§37**, as amended by PL 2019, c. 528, §19, is further  
2 amended to read:

3       **37. Mother plant.** "Mother plant" means a ~~mature~~ marijuana plant that is used solely  
4 for the taking of seedling cuttings. "Mother plant" does not include hemp as defined in  
5 Title 7, section 2231, subsection 1-A, paragraph D.

6       **Sec. 3. 28-B MRSA §108**, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to  
7 read:

8       **~~§108. Awareness and education on public~~ Public health and safety matters programs**

9       The department shall develop and implement or facilitate the development and  
10 implementation by a public or private entity of: programs, initiatives and campaigns  
11 focused on increasing the awareness and education of the public on health and safety  
12 matters and focused on addressing public and behavioral health needs relating to the use of  
13 marijuana and marijuana products, including, but not limited to, programs, initiatives and  
14 campaigns focused on preventing and deterring the use of marijuana and marijuana  
15 products by persons under 21 years of age; and public and behavioral health programs and  
16 services related to the use of marijuana and marijuana products, including, but not limited  
17 to, evidence-based substance use disorder prevention and treatment programs, early  
18 intervention services and grants for schools or community-based organizations that provide  
19 programs for youth substance use disorder education and prevention as described under  
20 Title 5, chapter 521. Programs, initiatives and campaigns developed and implemented  
21 pursuant to this section may be funded with revenue from the Adult Use Marijuana Public  
22 Health and Safety Fund established in section 1101. The department may adopt rules to  
23 implement this section.

24       **Sec. 4. 28-B MRSA §109**, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to  
25 read:

26       **§109. Enhanced training for criminal justice agencies and municipalities**

27       The department shall develop and implement or facilitate the development and  
28 implementation by a public or private entity of programs or initiatives providing enhanced  
29 training for criminal justice agencies and municipal officers and employees in the  
30 requirements and enforcement of this chapter and the rules adopted pursuant to this chapter,  
31 including, but not limited to, programs providing grants to regional or local criminal justice  
32 agencies or municipalities to train law enforcement officers and, if applicable, municipal  
33 officers and employees in inspections, investigations, searches, seizures, forfeitures and  
34 personal use and home cultivation allowances under this chapter and chapter 3 and the rules  
35 adopted pursuant to this chapter and, in drug recognition procedures and the general  
36 enforcement of the State's motor vehicle and criminal laws relating to the use of marijuana;  
37 and in restorative justice, jail diversion, marijuana industry-specific technical assistance  
38 and mentoring for economically disadvantaged persons in communities disproportionately  
39 affected by high rates of arrest and incarceration for marijuana-related offenses. Training  
40 programs or initiatives ~~for criminal justice agencies~~ developed and implemented pursuant  
41 to this section may be funded with revenue from the Adult Use Marijuana Public Health  
42 and Safety Fund established in section 1101. The department may adopt rules to implement  
43 this section.

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Approved: 06/04/21 *MAC*

# 130th MAINE LEGISLATURE

LD 605

LR 644(02)

## An Act To Amend the Marijuana Legalization Act

Fiscal Note for Bill as Amended by Committee Amendment *ACH-466*  
Committee: Veterans and Legal Affairs  
Fiscal Note Required: Yes

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### Fiscal Note

Minor cost increase - General Fund  
Minor revenue decrease - General Fund

#### Fiscal Detail and Notes

This bill changes the definition of "marijuana trim" and "mother plant," expands the permitted uses of the Adult Use Public Health and Safety Fund (AUPHSF), exempts sample collector licensees from collecting sales tax and repeals a sunset provision regarding licensee self-sampling for mandatory testing. Any additional costs to the Office of Marijuana Policy within the Department of Administrative and Financial Services as a result of changes to certain definitions or repeal of a sunset provision are anticipated to be minor and can be absorbed within existing budgeted resources. Changes to the permitted uses of the AUPHSF may result in changes to the ratio of expenditures from the fund but will not increase the overall level of expenditures from the fund. Exempting sample collector licensees from collecting sales tax will result in a General Fund revenue decrease; due to the limited number of licensees, the amount is expected to be minor.