

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2022

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Legislative Document

No. 1784

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S.P. 622

In Senate, December 9, 2021

**An Act To Ensure Legislative Review of Rules for Maine's Medical  
Use of Marijuana Act**

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 7, 2021. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator MAXMIN of Lincoln.

Cosponsored by Representative WILLIAMS of Bar Harbor and

Senators: HICKMAN of Kennebec, President JACKSON of Aroostook, Representatives:  
DILLINGHAM of Oxford, PLUECKER of Warren, TALBOT ROSS of Portland.

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,** Public Law 2021, chapter 387 requires the Department of Administrative  
4 and Financial Services' office of marijuana policy to adopt major substantive rules relating  
5 to the Maine Medical Use of Marijuana Act; and

6           **Whereas,** any rules adopted by the department will have significant effects on Maine's  
7 medical marijuana patients and thousands of registered medical marijuana caregivers and  
8 associated businesses across the State; and

9           **Whereas,** this warrants meaningful legislative oversight and approval; and

10          **Whereas,** the department has authority to adopt rules prior to the expiration of the 90-  
11 day period; and

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

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

17          **Sec. 1. 22 MRSA §2422-A, sub-§2,** as amended by PL 2021, c. 387, §1, is further  
18 amended to read:

19           **2. Rulemaking.** The department, after consultation with the Department of Health  
20 and Human Services, may adopt rules as necessary to administer and enforce this chapter  
21 or amend rules previously adopted pursuant to this chapter. Rules adopted pursuant to this  
22 subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A,  
23 except that, beginning July 1, 2021, rules adopted pursuant to this subsection are major  
24 substantive rules as defined in Title 5, chapter 375, subchapter 2-A. Notwithstanding Title  
25 5, section 8072, subsection 11 or any other provision of law to the contrary, rules  
26 provisionally adopted by the department in accordance with this subsection and submitted  
27 for legislative review may not be finally adopted by the department unless legislation  
28 authorizing final adoption of those rules is enacted into law. Before adopting rules pursuant  
29 to this subsection, the department shall consult with caregivers, registered caregivers,  
30 patients and medical providers with significant knowledge and experience certifying  
31 patients under this chapter. The department shall develop a process to use when hiring  
32 consultants to advise on rule changes related to this chapter and shall report any subsequent  
33 changes to that process to the joint standing committee of the Legislature having  
34 jurisdiction over medical use of marijuana matters.

35          **Sec. 2. 22 MRSA §2424, sub-§1-A,** as amended by PL 2021, c. 387, §6, is further  
36 amended to read:

37           **1-A. Rulemaking.** The department may adopt rules to carry out the purposes of this  
38 chapter in accordance with section 2422-A, subsection 2. Rules adopted pursuant to this  
39 subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A,  
40 except that, beginning July 1, 2021, rules adopted pursuant to this subsection are major  
41 substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

