

MAINE STATE LEGISLATURE

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SAR
ROS

L.D. 1927

Date: 4-8-22

(Filing No. H-965)

MAJORITY

VETERANS AND LEGAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1434, L.D. 1927, "An Act To Authorize Certain Off-premises Sales of Adult Use Marijuana"

Amend the bill by striking out the title and substituting the following:

'An Act To Authorize Certain Off-premises Sales of Adult Use Marijuana Products'

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

'Sec. 1. 28-B MRSA §504-A is enacted to read:

§504-A. Off-premises sales

Notwithstanding any provision of law to the contrary, the department may issue a permit to a marijuana store to sell adult use marijuana products at a specified event located outside the licensed premises in accordance with the requirements of this section. Transportation of adult use marijuana products between the licensed premises and the specified event is subject to the requirements of section 505. A marijuana store authorized to sell adult use marijuana products under this section is subject to the provisions of section 504.

1. Permit application. At least 30 days prior to a specified event, a marijuana store seeking to sell adult use marijuana products at the specified event shall submit a permit application to the department. The application must include:

A. Proof of approval from the municipality in which the specified event is located as described in subsection 2 to sell adult use marijuana products at the specified event;

B. A description of the specified event and the name and description of the organization sponsoring the event; and

C. If the specified event is being held on private property, the written permission of the property owner for the marijuana store licensee to sell adult use marijuana products on the property.

COMMITTEE AMENDMENT

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2. Municipal approval. Proof of municipal approval required under subsection 1, paragraph A must be in a form approved by the legislative body of the municipality in which the specified event is located. A marijuana store applying for municipal approval to sell adult use marijuana products at a specified event must submit a request to the legislative body of the municipality and include in the request the following information:

- A. The location of the specified event;
- B. The name of the organization sponsoring the specified event;
- C. A description of the adult use marijuana products the marijuana store intends to sell at the specified event; and
- D. The dates during which the specified event will take place and the dates during the specified event that the marijuana store intends to sell adult use marijuana products at the specified event.

3. Limitations on off-premises sales. A marijuana store issued a permit under this section may sell adult use marijuana products at a specified event only as authorized under the permit. A permit issued by the department under this section for a specified event may not authorize:

- A. Sales at the specified event for a period greater than the duration of the event;
- B. Sales anywhere other than the specified event;
- C. The consumption of adult use marijuana products at the location of sale at the specified event; or
- D. Sales of adult use marijuana products that are consumed by smoking. For the purposes of this paragraph, "smoking" has the same meaning as in Title 22, section 1541, subsection 6.

4. Conditions. Sales of adult use marijuana products under a permit issued under this section are subject to the following conditions.

- A. A marijuana store authorized to sell adult use marijuana products at a specified event held outdoors shall transact all sales in a tent or similar structure with a single point of entry that requires entry into the tent or structure in order to view or purchase adult use marijuana products.
- B. A marijuana store may not allow a person under 21 years of age to enter a tent or structure in which sales are conducted and shall verify that a person entering the tent or structure is at least 21 years of age in the same manner as required under section 504, subsection 4.
- C. A marijuana store shall provide signs notifying customers that adult use marijuana products may not be consumed at the location of sale at the specified event.
- D. A marijuana store shall ensure that all adult use marijuana products are secured when not under the direct control and supervision of the licensee or an employee of the licensee.
- E. A marijuana store shall record all sales conducted at the specified event using a video recording device in a manner that captures, to the extent practicable, only the individual making the purchase. The recording must be retained by the marijuana store in a manner prescribed by the department by rule.

COMMITTEE AMENDMENT

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5. Guidance. The department shall develop guidance documents to assist marijuana stores in applying for and complying with permits under this section and lawfully engaging in the off-premises sale of adult use marijuana products.

6. Rulemaking. The department shall adopt rules to administer this section, including but not limited to rules that separately apply to indoor specified events and outdoor specified events and rules regarding the process by which a marijuana store may apply for a permit under subsection 1. The department may by rule set an application fee for a permit under this section of not more than \$200. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 28-B MRSA §505, as enacted by PL 2017, c. 409, Pt. A, §6, is amended by enacting a new 2nd paragraph to read:

A marijuana store and its employees may transport adult use marijuana products between the licensed premises of the marijuana store and the location at which the marijuana store is authorized to sell adult use marijuana products under a permit issued under section 504-A.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF
Adult Use Marijuana Regulatory Coordination Fund Z264**

Initiative: Provides ongoing funding for anticipated overtime expenses.

GENERAL FUND	2021-22	2022-23
Personal Services	\$0	\$53,748
	_____	_____
GENERAL FUND TOTAL	\$0	\$53,748

Adult Use Marijuana Regulatory Coordination Fund Z264

Initiative: Provides one-time funding for the cost of updating the licensing system.

GENERAL FUND	2021-22	2022-23
All Other	\$0	\$13,000
	_____	_____
GENERAL FUND TOTAL	\$0	\$13,000

Adult Use Marijuana Regulatory Coordination Fund Z264

Initiative: Provides funding for one Field Investigator position and one Office Specialist I position and associated All Other costs.

GENERAL FUND	2021-22	2022-23
POSITIONS - LEGISLATIVE COUNT	0.000	2.000
Personal Services	\$0	\$158,666
All Other	\$0	\$20,331
	_____	_____
GENERAL FUND TOTAL	\$0	\$178,997

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1	ADMINISTRATIVE AND FINANCIAL		
2	SERVICES, DEPARTMENT OF		
3	DEPARTMENT TOTALS	2021-22	2022-23
4			
5	GENERAL FUND	\$0	\$245,745
6			
7	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$245,745
8			

9 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
10 number to read consecutively.

11 **SUMMARY**

12 This amendment replaces the bill and describes contents of an application a marijuana
13 store is required to submit to the Department of Administrative and Financial Services to
14 obtain a permit to sell adult use marijuana products at a specified event located outside the
15 licensed premises of the marijuana store. It requires that a permit application be submitted
16 at least 30 days prior to the specified event and include proof of municipal approval. The
17 amendment specifies the conditions for sales at specified events and requires that all sales
18 of adult use marijuana products be recorded using a video recording device. Finally, the
19 amendment provides that adult use marijuana products consumed by smoking may not be
20 sold under a specified event permit.

21 The amendment also adds an appropriations and allocations section.

22 **FISCAL NOTE REQUIRED**
23 **(See attached)**

COMMITTEE AMENDMENT



130th MAINE LEGISLATURE

LD 1927

LR 2301(02)

An Act To Authorize Certain Off-premises Sales of Adult Use Marijuana

Fiscal Note for Bill as Amended by Committee Amendment *(ACH-965)*

Committee: Veterans and Legal Affairs

Fiscal Note Required: Yes

Fiscal Note

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
Net Cost (Savings)				
General Fund	\$0	\$245,745	\$238,300	\$244,047
Appropriations/Allocations				
General Fund	\$0	\$245,745	\$238,300	\$244,047

Fiscal Detail and Notes

This bill authorizes the Office of Marijuana Policy (OMP) within the Department of Administrative and Financial Services to issue permits to marijuana store licensees for the off-premises sale of adult-use marijuana or adult-use marijuana products at specific events and under certain conditions. The bill includes ongoing General Fund appropriations of \$232,745 beginning in fiscal year 2022-23 for one Field Investigator position, one Office Specialist I position, overtime and other related costs for the additional compliance and permitting. The bill also includes a one-time General Fund appropriation of \$13,000 for the cost of updating the license database system.