

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

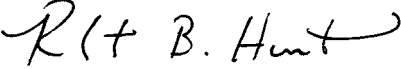
No. 1585

H.P. 1030

House of Representatives, April 11, 2023

An Act to Amend Maine's Cannabis Laws to Protect Small and Medium-sized Cultivators

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


ROBERT B. HUNT
Clerk

Presented by Representative PLUECKER of Warren.
Cosponsored by Representatives: RISEMAN of Harrison, ROEDER of Bangor, SUPICA of Bangor, WILLIAMS of Bar Harbor.

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

2 **Sec. 1. 22 MRSA §2422, sub-§1-H** is enacted to read:

3 **1-H. Cultivated indoors.** "Cultivated indoors," with respect to cannabis plants, means
4 that the cannabis plants are:

5 A. Cultivated using artificial lighting on mature cannabis plants; or

6 B. Not cultivated outdoors.

7 **Sec. 2. 22 MRSA §2422, sub-§1-I** is enacted to read:

8 **1-I. Cultivated outdoors.** "Cultivated outdoors," with respect to cannabis plants,
9 means that the cannabis plants are:

10 A. Cultivated in open or cleared ground outside; or

11 B. Cultivated in a greenhouse, hoop house or similar nonrigid structure that does not
12 use any artificial lighting on mature cannabis plants.

13 **Sec. 3. 22 MRSA §2428, sub-§1-A, ¶B,** as amended by PL 2017, c. 452, §16 and
14 PL 2021, c. 669, §5, is further amended to read:

15 B. Cultivate ~~cannabis plants~~ up to 7,000 square feet of mature plant canopy if
16 cultivated indoors and up to 21,000 square feet of mature plant canopy if cultivated
17 outdoors and possess all harvested cannabis from ~~those cannabis plants~~ the mature
18 plant canopy. For purposes of this paragraph, a registered dispensary may use the
19 minimum amount of artificial light necessary to keep photoperiod plants in a dormant
20 state and still have the dispensary's mature plant canopy be considered cultivated
21 outdoors;

22 **Sec. 4. 22 MRSA §2428, sub-§6, ¶E,** as amended by PL 2019, c. 331, §26 and PL
23 2021, c. 669, §5, is further amended to read:

24 E. A dispensary shall implement appropriate security measures to deter and prevent
25 unauthorized entrance into areas containing cannabis plants and harvested cannabis
26 and the theft of cannabis plants and harvested cannabis at the dispensary and the one
27 permitted additional location at which the dispensary cultivates cannabis plants for
28 medical use by qualifying patients. The department may not require on-site parking as
29 a security measure under this paragraph.

30 **Sec. 5. 28-B MRSA §102, sub-§13-A** is enacted to read:

31 **13-A. Cultivated indoors.** "Cultivated indoors," with respect to cannabis plants,
32 means that the cannabis plants are:

33 A. Cultivated using artificial lighting on mature cannabis plants; or

34 B. Not cultivated outdoors.

35 **Sec. 6. 28-B MRSA §102, sub-§13-B** is enacted to read:

36 **13-B. Cultivated outdoors.** "Cultivated outdoors," with respect to cannabis plants,
37 means that the cannabis plants are:

38 A. Cultivated in open or cleared ground outside; or

1 B. Cultivated in a greenhouse, hoop house or similar nonrigid structure that does not
2 use any artificial lighting on mature cannabis plants.

3 **Sec. 7. 28-B MRSA §113, sub-§2, ¶C**, as enacted by PL 2017, c. 409, Pt. A, §6,
4 is amended to read:

5 C. The total square footage of plant canopy approved by the department for active
6 cultivation facilities licensed in the prior calendar year, and the percentage of active
7 cultivation facility licenses by cultivation tier and, if applicable, the number of
8 approved increases in the maximum plant canopy allowed under a tier 4 cultivation
9 facility license in the prior calendar year pursuant to section 304;

10 **Sec. 8. 28-B MRSA §205, sub-§2, ¶A**, as enacted by PL 2017, c. 409, Pt. A, §6,
11 is amended by amending subparagraph (2) to read:

12 (2) Multiple cultivation facility licenses with a combined total licensed amount of
13 plant canopy exceeding ~~30,000~~ 28,000 square feet, ~~except when that exceedance is~~
14 ~~solely attributable to approved increases in the maximum licensed area of plant~~
15 ~~canopy authorized under a tier 4 cultivation facility license pursuant to section 304;~~

16 **Sec. 9. 28-B MRSA §207, sub-§1, ¶C**, as enacted by PL 2017, c. 409, Pt. A, §6,
17 is amended to read:

18 C. For a tier 3 cultivation facility license, as described in section 301, subsection 3, an
19 application fee of \$500 and a license fee of not more than \$5,000 for an outdoor
20 cultivation facility and not more than \$10,000 for an indoor cultivation facility or a
21 cultivation facility with both indoor and outdoor cultivation areas; and

22 **Sec. 10. 28-B MRSA §207, sub-§1, ¶D**, as enacted by PL 2017, c. 409, Pt. A, §6,
23 is repealed.

24 **Sec. 11. 28-B MRSA §301, sub-§3**, as enacted by PL 2017, c. 409, Pt. A, §6, is
25 amended to read:

26 **3. Tier 3 cultivation facility license.** A tier 3 cultivation facility license, which allows
27 cultivation by a licensee of not more than 7,000 square feet of plant canopy if cultivated
28 indoors and not more than 21,000 square feet of plant canopy if cultivated outdoors. For
29 purposes of this subsection, a tier 3 cultivation facility licensee may use the minimum
30 amount of artificial light necessary to keep photoperiod plants in a dormant state and still
31 have the licensee's plant canopy be considered cultivated outdoors; or

32 **Sec. 12. 28-B MRSA §301, sub-§4**, as enacted by PL 2017, c. 409, Pt. A, §6, is
33 repealed.

34 **Sec. 13. 28-B MRSA §304**, as enacted by PL 2017, c. 409, Pt. A, §6 and amended
35 by PL 2021, c. 669, §5, is repealed.

36 **Sec. 14. Report.** The Department of Administrative and Financial Services' office
37 of cannabis policy shall report to the joint standing committee of the Legislature having
38 jurisdiction over cannabis matters no later than December 3, 2025 regarding the
39 amendments to laws governing plant canopy made by this Act.

40 **Sec. 15. Effective date.** Those sections of this Act that amend the Maine Revised
41 Statutes, Title 28-B, section 205, subsection 2, paragraph A, subparagraph (2) and repeal
42 Title 28-B, section 301, subsection 4 and section 304 take effect October 15, 2024.

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SUMMARY

This bill makes the following changes to the State's cannabis laws. It amends:

1. The Cannabis Legalization Act to eliminate the tier 4 cultivation facility license, which authorizes a licensee to cultivate up to 20,000 square feet of plant canopy, and eliminate the option for a licensee to apply to increase its tier 4 plant canopy by 7,000 square feet. It also authorizes a tier 3 cultivation facility licensee to cultivate not more than 7,000 square feet if cultivated indoors and not more than 21,000 square feet if cultivated outdoors. It also changes from 30,000 to 28,000 square feet the maximum cultivation area for holders of multiple cultivation facility licenses. It makes these changes effective October 15, 2024; and

2. The Maine Medical Use of Cannabis Act to establish an upper limit for a dispensary to cultivate up to 7,000 square feet of mature plant canopy and to prohibit the Department of Administrative and Financial Services, office of cannabis policy from requiring on-site parking as a security measure for dispensaries. It also authorizes a registered dispensary to cultivate up to 7,000 square feet if cultivated indoors and up to 21,000 square feet if cultivated outdoors.