

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1714

H.P. 1103

House of Representatives, April 18, 2023

**An Act to Create a Sustainable Funding Source for Recovery
Community Centers Using a Percentage of the Adult Use Cannabis
Tax Revenue**

Reference to the Committee on Taxation suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative RANA of Bangor.
Cosponsored by Senator CHIPMAN of Cumberland and
Representatives: CROCKETT of Portland, FAULKINGHAM of Winter Harbor, HASENFUS
of Readfield, MATLACK of St. George, MILLIKEN of Blue Hill, PERRY of Bangor,
ROEDER of Bangor, Senator: POULIOT of Kennebec.

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

2 **Sec. 1. 5 MRSA §20012** is enacted to read:

3 **§20012. Recovery Community Centers Fund**

4 The Recovery Community Centers Fund is established as a dedicated, nonlapsing fund
5 within the Office of Behavioral Health for the purposes specified in this section. The fund
6 must be held separate and apart from all other money, funds and accounts. Eligible
7 investment earnings credited to the assets of the fund become part of the assets of the fund.
8 Any unexpended balances remaining in the fund at the end of any fiscal year do not lapse
9 and must be carried forward to the next fiscal year.

10 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
11 following terms have the following meanings.

12 A. "Fund" means the Recovery Community Centers Fund established in this section.

13 B. "Office" means the Office of Behavioral Health established in section 20011.

14 C. "Recovery community center" means an independent, nonprofit organization led
15 and governed by representatives of local recovery communities with a primary focus
16 on recovery from substance use disorder that provides nonclinical, peer recovery
17 support services such as recovery support groups, recovery coaching, telephone
18 recovery support, skill-building groups, harm reduction activities, recovery-focused
19 outreach programs to engage people seeking recovery or in recovery and recovery-
20 focused policy and advocacy activities.

21 **2. Sources of funds.** The State Controller shall credit to the fund:

22 A. Money received from the excise tax imposed on the sale of adult use cannabis
23 pursuant to Title 36, chapter 723 in the amount required under Title 36, section 4925;

24 B. Money received from the sales tax imposed on the sale of adult use cannabis and
25 adult use cannabis products by a cannabis establishment licensed to conduct retail sales
26 pursuant to Title 36, section 1811 in the amount required under Title 36, section 1818;

27 C. All money from any other source, whether public or private, designated for deposit
28 into or credited to the fund; and

29 D. Interest earned or other investment income on balances in the fund.

30 **3. Uses of fund.** Money credited to the fund pursuant to subsection 2 may be expended
31 by the office to fund recovery community centers.

32 **4. Application of fund to office expenses prohibited.** Money in the fund may not be
33 applied to any expenses incurred by the office in implementing, administering or enforcing
34 this section.

35 **Sec. 2. 36 MRSA §1818**, as amended by PL 2021, c. 645, §5 and c. 669, §5, is
36 further amended to read:

37 **§1818. Tax on adult use cannabis and adult use cannabis products**

38 All sales tax revenue collected pursuant to section 1811 on the sale of adult use
39 cannabis and adult use cannabis products must be deposited into the General Fund, except
40 that, on or before the last day of each month, the State Controller shall transfer 12% of the

1 that sales tax revenue received by the assessor during the preceding month pursuant to
2 section 1811 to the Adult Use Cannabis Public Health and Safety and Municipal Opt-in
3 Fund established under Title 28-B, section 1101 and 12% of that sales tax revenue received
4 by the assessor during the preceding month pursuant to section 1811 to the Recovery
5 Community Centers Fund established in Title 5, section 20012.

6 **Sec. 3. 36 MRSA §4925**, as amended by PL 2021, c. 645, §6 and c. 669, §5, is
7 further amended to read:

8 **§4925. Application of excise tax revenue**

9 All excise tax revenue collected by the assessor pursuant to this chapter on the sale of
10 adult use cannabis must be deposited into the General Fund, except that, on or before the
11 last day of each month, the assessor shall transfer 12% of the excise tax revenue received
12 during the preceding month pursuant to this chapter to the Adult Use Cannabis Public
13 Health and Safety and Municipal Opt-in Fund established in Title 28-B, section 1101 and
14 12% of the excise tax revenue received during the preceding month pursuant to this chapter
15 to the Recovery Community Centers Fund established in Title 5, section 20012.

16 **SUMMARY**

17 This bill establishes the Recovery Community Centers Fund within the Department of
18 Health and Human Services, Office of Behavioral Health to fund recovery community
19 centers. The bill requires that 12% of the sales tax revenue received per month on the sale
20 of adult use cannabis and adult use cannabis products and 12% of the excise tax revenue
21 collected on the sale of adult use cannabis be credited to the fund. The bill also clarifies
22 that 12% of the sales tax revenue collected on the sale of adult use cannabis and adult use
23 cannabis products is credited to the Adult Use Cannabis Public Health and Safety and
24 Municipal Opt-in Fund, not 12% of all sales tax revenue collected under the Maine Revised
25 Statutes, Title 36, section 1811.