

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE
AND PUBLIC SAFETY**

July 2013

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STATE OF MAINE

126TH LEGISLATURE

FIRST REGULAR SESSION



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 126th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE.....Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES.....House & Senate disagreed; legislation died
DIED IN CONCURRENCE.....defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX.....chapter # of enacted public Law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 126th Legislature is October 9, 2013. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Criminal Justice and Public Safety

LD 1229 **An Act To Regulate and Tax Marijuana**

**ACCEPTED
MAJORITY
(ONTP) REPORT**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|----------------------|-------------------------|---------------------------|
| RUSSELL VALENTINO | ONTP OTP-AM | |

This bill reforms state marijuana laws by establishing an excise tax on marijuana, allowing the personal use and cultivation of marijuana and allowing, regulating and licensing certain commercial marijuana-related activities, while providing provisions to protect minors, employers and schools.

Part A of the bill establishes a tax rate of \$50 per ounce for marijuana that is sold or transferred by licensed marijuana cultivation facilities. It directs the State Controller to distribute 10% of the revenue to regulating marijuana establishments, 5% to research into marijuana until January 1, 2021 and the remainder to the General Fund. It directs the Department of Administrative and Financial Services, Bureau of Revenue Services to report annually, beginning January 30, 2015, the amount of tax revenue generated and the amount distributed to each program to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and taxation matters. The bill directs the Bureau of Revenue Services to review methods for ensuring that all marijuana that is sold in the State is assessed and to report its findings and recommendations to the Joint Standing Committee on Taxation by February 15, 2014.

Part B removes the civil violation for adults 21 years of age and older who possess up to 2 1/2 ounces of marijuana and creates a new civil violation for minors who present false identification to a retail marijuana store.

Part C of the bill allows a person 21 years of age or older to possess, purchase and use marijuana within certain limits and to cultivate a limited amount of marijuana for personal use. It allows a person to possess marijuana paraphernalia and up to 2 1/2 ounces of marijuana. It allows a person to cultivate up to 6 marijuana plants, including seedlings, and to purchase up to 2 1/2 ounces of marijuana, marijuana paraphernalia and marijuana seedlings from someone who is licensed to sell these products. The bill imposes the same type of restrictions on marijuana use that apply to tobacco use and that ban smoking in other public places. It requires those cultivating marijuana to secure it from access by unauthorized persons and access by minors. It also provides protections for schools and employers.

It includes specific requirements for the operations of commercial marijuana-related activities regarding the location of operations, security measures, labeling and record keeping. It allows localities to limit the number of each of 4 types of licensees, to regulate them or to ban them. It further limits the number of retail marijuana stores based on the size of the municipality.

This Part establishes the Bureau of Marijuana Regulation, Licensing and Enforcement in the Department of Administrative and Financial Services. The bureau is required to adopt emergency major substantive rules by June 1, 2014 for the licensing and regulation of marijuana establishments. Included in the rules must be a provision giving preference for licensing to a member or officer of a board of a corporation operating a registered dispensary under the Maine Medical Use of Marijuana Act or a senior manager of a registered dispensary. Until the initial rules adopted by the bureau are reviewed by the Legislature, the bureau is permitted to issue only 25% of the number of licenses for a retail marijuana store allowed in a municipality, but must issue at least one.

Additionally, Part C creates the Marijuana Regulations and Licensing Fund to provide a funding mechanism for regulation of commercial marijuana-related activities. It also establishes the Marijuana Research Fund, which is funded by part of the revenue generated from the marijuana tax. The Department of Health and Human Services is required to adopt rules for administering the fund by July 1, 2014.

Joint Standing Committee on Criminal Justice and Public Safety

Part D of the bill changes the requirement for patients, primary caregivers and dispensaries to keep marijuana in an enclosed, locked facility. Instead, it requires that the marijuana be secured from unauthorized access or from access by a person under 21 years of age.

Part E of the bill updates the existing exceptions regarding possession of marijuana in the Maine Criminal Code to reflect the use permitted by this legislation.

Part F of the bill removes the fingerprinting and criminal history record check requirements from the existing laws that allow a person to apply to the Department of Agriculture, Conservation and Forestry for a license to grow industrial hemp. It removes provisions in the law that make licensing of industrial hemp farming contingent upon federal action and that require licensees to document the type of hemp planted and to provide notification of each sale.

This Part also updates various provisions of the Maine Revised Statutes, Title 7 that are affected by changes in terminology proposed to the Maine medical marijuana law in this bill and in Title 26 to prohibit the employment of a person under 21 years of age in an establishment licensed for commercial marijuana-related activities.

Part G of the bill provides that a person cannot be found to lack "good moral character" for personal, medical or commercial marijuana activities allowed by this legislation for purposes of obtaining a permit to carry a concealed handgun.

Part H of the bill requires this legislation to be submitted to statewide referendum for approval by the voters of the State.

Committee Amendment "A" (H-324)

This amendment is the minority report of the committee. This amendment strikes the bill and replaces it with a requirement, contingent upon approval of the voters at referendum, that the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations develop a plan that includes proposed rules and any legislation needed to implement the use and taxation of marijuana. The bureau is required to report its plan to the Joint Standing Committee on Criminal Justice and Public Safety by January 31, 2014. The Joint Standing Committee on Criminal Justice and Public Safety may report out legislation to the Second Regular Session of the 126th Legislature related to that report. This amendment was not adopted.

LD 1233 An Act Regarding Cyberbullying

ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| CRAVEN GATTINE | ONTP | |

This bill establishes the crime of cyberbullying and makes a violation a Class E crime. It references the definition of cyberbullying in the education statutes that defines "cyberbullying" to mean bullying through the use of technology or any electronic communication device.