

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
128<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

**JOINT SELECT COMMITTEE ON MARIJUANA  
LEGALIZATION IMPLEMENTATION**

August 2017

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# STATE OF MAINE

128<sup>TH</sup> 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 128<sup>th</sup> 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. An appendix provides a summary of relevant session statistics.

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 128<sup>th</sup> Legislature is Wednesday, November 1, 2017. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

*Joint Select Committee on Marijuana Legalization Implementation*

**LD 164      An Act To Require Tamper-evident Packaging for Recreational  
Marijuana Products**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COREY P WOODSOME D		

This bill requires that all retail marijuana and retail marijuana products sold at a retail marijuana store be in tamper-evident packaging, which involves a device or process such as a seal, label or marking that makes unauthorized access to or tampering with a package, product or container easily detectable.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

**LD 215      An Act To Require a License for the Possession, Sale, Cultivation or  
Transportation of Marijuana for Recreational Use**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BATTLE K DOW D		

This bill is a concept draft pursuant to Joint Rule 208. It proposes to further regulate the cultivation, transportation, sale and possession of marijuana and marijuana products by:

1. Establishing tiered licenses, issued by the State, for possession, cultivation and sale based on quantity.
  - A. Tiers for personal possession would be set at up to one ounce, more than one ounce to no more than two ounces and more than two ounces to no more than three ounces.
  - B. Possession of more than three ounces would require a commercial license, which would also be tiered, based on the quantity above three ounces.
  - C. Tiers for personal cultivation would be established at one to 50 plants and 51 to 100 plants.
  - D. Cultivation of more than 100 plants would require a commercial license, which would also be tiered, based on the quantity above 100 plants.
  - E. Tiers for engaging in the sale of marijuana and marijuana products would be based on the quantity of marijuana in the products sold.

The cost of a tiered license would increase progressively based on the quantity possessed, cultivated or sold;

2. Requiring a state-issued license for the transportation of marijuana or marijuana products by motor vehicle, watercraft or airplane within the State;
3. Prohibiting from possessing or using marijuana or marijuana products and subjecting to random drug testing certain persons, including health care workers such as physicians and nurses, commercial truck drivers, passenger or commercial vessel operators, taxi drivers, law enforcement officials, correctional officers and emergency first responders; and
4. Allowing nonresidents to purchase a temporary possession license.

***Joint Select Committee on Marijuana Legalization Implementation***

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

**LD 231      An Act To Allow Municipalities To Regulate the Growing of Marijuana      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P NADEAU C		

This bill allows a municipality to restrict the cultivation of marijuana for recreational or medical use to certain areas in the municipality or to prohibit cultivation entirely within the municipality. The bill applies to cultivation of marijuana under the Marijuana Legalization Act and the Maine Medical Use of Marijuana Act.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

**LD 243      An Act To Amend the Marijuana Legalization Act to Provide Licensing, Rulemaking and Regulatory and Enforcement Authority within the Department of Administrative and Financial Services; Assign Rulemaking, Regulatory and Enforcement Authority Related to Agricultural Purposes to the Department of Agriculture, Conservation and Forestry; and Allocate Funds for Implementation      PUBLIC 278  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON S THIBODEAU M	OTP-AM OTP-AM	H-221 S-312    HAMPER J

This bill changes the state licensing authority under the Marijuana Legalization Act from the Department of Agriculture, Conservation and Forestry to the Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services. It also establishes the Retail Marijuana Regulatory Coordination Fund to be used by the director for rulemaking and other duties related to implementation of a regulatory scheme for the cultivating, distribution and sale of retail marijuana. This bill also transfers \$1,600,000 from unappropriated General Fund surplus to the fund.

**Committee Amendment "A" (H-221)**

This amendment is the majority report of the committee. The amendment changes the title, strikes the bill and does the following.

1. The amendment assigns to the Department of Administrative and Financial Services authority to license the distribution, tracking and sale of retail marijuana and retail marijuana products and the licensure of retail marijuana social clubs.
2. The amendment assigns to the Department of Administrative and Financial Services rule-making, regulatory and enforcement authority regarding the tracking, distribution and sale of retail marijuana and retail marijuana products and the licensing and operation of retail marijuana social clubs.
3. The amendment assigns to the Department of Agriculture, Conservation and Forestry rule-making, regulatory and enforcement authority regarding marijuana cultivation, including, but not limited to, all aspects of marijuana seeds, clones, seedlings and plants, use of pesticides, harvesting and storage, and the preparation, manufacturing, production, packaging, labeling and testing of retail marijuana. The amendment authorizes the Commissioner of Agriculture, Conservation and Forestry to delegate rule-making authority to the Commissioner of Administrative