

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
128<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



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

**JOINT SELECT COMMITTEE ON MARIJUANA  
LEGALIZATION IMPLEMENTATION**

October 2018

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# STATE OF MAINE

128<sup>TH</sup> LEGISLATURE

FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contain summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Special, Second Regular and Second Special Sessions 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 dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128<sup>th</sup> Legislature are: Monday, February 5, 2018; Wednesday, August 1, 2018; and Thursday, December 13, 2018, respectively. 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**

**Leave to Withdraw  
Pursuant to Joint  
Rule**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The 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.

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

**Leave to Withdraw  
Pursuant to Joint  
Rule**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill, which is a concept draft pursuant to Joint Rule 208, 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;

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

- 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.

**LD 231      An Act To Allow Municipalities To Regulate the Growing of Marijuana      Died On Adjournment**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature. It was again carried over to the Second Special Session by joint order S.P. 748; on the adjournment of the Second Special Session, this bill had not been reported out of committee.

The 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.

**LD 301      An Act To Protect Children from Marijuana Sales by Prohibiting Retail Marijuana Establishments and Social Clubs near Schools      Leave to Withdraw Pursuant to Joint Rule**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANDY J DIAMOND B		

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill restricts the licensing authority of the Department of Agriculture, Conservation and Forestry under the Marijuana Legalization Act by prohibiting the issuance of a license under that Act to operate a retail marijuana establishment or a retail marijuana social club that is to be located within 2,000 feet of the property line of a preexisting school.

**LD 310      An Act To Responsibly Implement an Adult Use Cannabis Program      Leave to Withdraw Pursuant to Joint Rule**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRAKEY E		

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.