

# 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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DANIELLE FOX, LEGISLATIVE ANALYST  
DANIEL TARTAKOFF, LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670  
<http://legislature.maine.gov/legis/opla/>

\*Committee member for a portion of the session

# STATE OF MAINE

128<sup>TH</sup> LEGISLATURE  
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## 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***

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

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and Financial Services, the Commissioner of Labor or the Commissioner of Public Safety if the Commissioner of Agriculture, Conservation and Forestry determines the expertise and resources of those other departments would be beneficial to the development and enforcement of rules.

4. The amendment directs the Department of Administrative and Financial Services and the Department of Agriculture, Conservation and Forestry to work cooperatively to ensure that rules are adopted and the Marijuana Legalization Act is implemented and enforced in a manner that is consistent with the requirements of that Act.
5. The amendment establishes the Retail Marijuana Regulatory Coordination Fund to provide funding for rulemaking, entering into contracts with consultants and employing staff, conducting meetings with stakeholders and conducting other activities related to retail marijuana.
6. The amendment appropriates funds for consultant services and necessary travel and expenses and other purposes determined to be appropriate by the Joint Select Committee on Marijuana Legalization Implementation in the amount of \$200,000 to the Legislature for use by the committee and in the amount of \$1,400,000 for use by the Department of Administrative and Financial Services. The appropriation to the Legislature is a nonlapsing appropriation. The Retail Marijuana Regulatory Coordination Fund is a nonlapsing Other Special Revenue Funds account. The amendment requires the Department of Administrative and Financial Services to report to the Joint Select Committee on Marijuana Legalization Implementation 60 days after the effective date of the Act and every 60 days thereafter until final adjournment of the Second Regular Session of the 128th Legislature. The report must provide information on the progress of the Department of Administrative and Financial Services and all other state departments involved with implementing the Marijuana Legalization Act.
7. The amendment corrects and separates references to the Department of Administrative and Financial Services and the Department of Agriculture, Conservation and Forestry in order for the two departments to perform the roles in the implementation of marijuana legalization that are assigned by the Maine Revised Statutes, Title 7, section 1-C and section 2444, subsection 1.

### **Committee Amendment "B" (H-222)**

This amendment is the minority report of the committee. It strikes the bill, changes the title and also does the following.

1. It provides that the Department of Administrative and Financial Services serves as the state licensing authority for retail purposes under the Marijuana Legalization Act.
2. It provides that the Department of Agriculture, Conservation and Forestry serves as the state licensing authority for agricultural purposes under the Marijuana Legalization Act.
3. It assigns to the Department of Agriculture, Conservation and Forestry licensing and regulatory jurisdiction from the point of marijuana seed, clone, seedling and plant, through cultivation, use of pesticides, harvesting, preparation of marijuana, retail marijuana manufacturing and retail marijuana products manufacturing to the testing, packaging and labeling of marijuana, retail marijuana and retail marijuana products.
4. It assigns to the Department of Administrative and Financial Services licensing and regulatory jurisdiction over retail marijuana and retail marijuana products distribution and tracking, retail marijuana stores and retail marijuana social clubs.
5. It appropriates funds for consultant services and necessary travel and expenses and other appropriate purposes as determined by the Joint Select Committee on Marijuana Legalization Implementation in the amount of \$500,000 to the Legislature for use by the Joint Select Committee on Marijuana Legalization Implementation and allocates funds in the amount of \$1,100,000 for the Retail Marijuana Regulatory Coordination Fund. The amendment establishes the Retail Marijuana Regulatory Coordination Fund and authorizes its use by the Commissioner of Administrative

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and Financial Services and the Commissioner of Agriculture, Conservation and Forestry. The amendment requires the two commissioners to report to the Joint Select Committee on Marijuana Legalization Implementation beginning 30 days after the effective date and continuing every 30 days until February 1, 2018. The reports must provide information on the expenditure of funds and the progress on adopting required rules.

6. It changes the allocation of the definition of "disqualifying drug offense" from the Maine Revised Statutes, Title 7, section 2447, subsection 1, paragraph B to the definitions section in Title 7, section 2442, subsection 9-A to comport with drafting standards.

7. It changes the allocation of a provision on investigation of unlawful activity from Title 7, section 2448, subsection 5, paragraph D to section 2448, subsection 20.

This amendment was not adopted.

### **Senate Amendment "A" To Committee Amendment "A" (S-312)**

This amendment replaces the appropriations and allocations section in Committee Amendment "A."

### **Enacted Law Summary**

Public Law 2017, chapter 278 amends the Marijuana Legalization Act as follows.

1. It 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. It 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. It 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 law authorizes the Commissioner of Agriculture, Conservation and Forestry to delegate rule-making authority to the Commissioner of Administrative and Financial Services, the Commissioner of Labor or the Commissioner of Public Safety if the Commissioner of Agriculture, Conservation and Forestry determines the expertise and resources of those other departments would be beneficial to the development and enforcement of rules.
4. It directs the Department of Administrative and Financial Services and the Department of Agriculture, Conservation and Forestry to work cooperatively to ensure that rules are adopted and the Marijuana Legalization Act is implemented and enforced in a manner that is consistent with the requirements of that Act.
7. It corrects and separates references to the Department of Administrative and Financial Services and the Department of Agriculture, Conservation and Forestry in order for the two departments to perform the roles in the implementation of marijuana legalization that are assigned by the Maine Revised Statutes, Title 7, section 1-C and section 2444, subsection 1.

Public Law 2017, chapter 278 also establishes the Retail Marijuana Regulatory Coordination Fund to provide funding for rulemaking, entering into contracts with consultants and employing staff, conducting meetings with stakeholders and conducting other activities related to retail marijuana and appropriates funds for consultant services and necessary travel and expenses and other purposes determined to be appropriate by the Joint Select Committee on Marijuana Legalization Implementation in the amount of \$200,000 to the Legislature for use by the committee and in the amount of \$1,400,000 for use by the Department of Administrative and Financial Services. The appropriation to the Legislature is a nonlapsing appropriation. The Retail Marijuana Regulatory Coordination

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Fund is a nonlapsing Other Special Revenue Funds account.

Public Law 2017, chapter 278 also requires the Department of Administrative and Financial Services to report to the Joint Select Committee on Marijuana Legalization Implementation 60 days after the effective date of the Act and every 60 days thereafter until final adjournment of the Second Regular Session of the 128th Legislature. The report must provide information on the progress of the Department of Administrative and Financial Services and all other state departments involved with implementing the Marijuana Legalization Act.

Public Law 2017, chapter 278 was enacted as an emergency measure effective June 29, 2017.

**LD 301      An Act To Protect Children from Marijuana Sales by Prohibiting Retail Marijuana Establishments and Social Clubs near Schools      CARRIED OVER**

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

This 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.

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

**LD 310      An Act To Responsibly Implement an Adult Use Cannabis Program      CARRIED OVER**

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

This bill is a concept draft pursuant to Joint Rule 208.

It proposes to amend the provisions of the Marijuana Legalization Act, as enacted in Initiated Bill 2015, chapter 5.

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

**LD 387      An Act To Provide for Oversight of Maine's Recreational Marijuana Laws      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRATWICK G MCCREAD		

This bill directs the Statewide Coordinating Council for Public Health to serve in an advisory capacity on public health matters related to retail marijuana to the Commissioner of Agriculture, Conservation and Forestry acting as chief administrative officer of the state licensing authority for the cultivation, manufacture, distribution, testing and sale of retail marijuana.

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