

# 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***

The bill, which is a concept draft pursuant to Joint Rule 208, proposes to amend the provisions of the Marijuana Legalization Act, as approved at referendum on November 2016.

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

**Leave to Withdraw Pursuant to Joint Rule**

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

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

The 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.

**LD 433      An Act To Allow Municipalities To Apply a Local Option Sales Tax to the Sale of Marijuana**

**Leave to Withdraw Pursuant to Joint Rule**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RYKERSON D CHENETTE J		

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

The bill allows a municipality that approves the location of a retail marijuana store or a retail marijuana social club to impose a local option sales tax. Revenue from the local option sales tax after deduction for the cost of state administration is distributed to the municipality.

**LD 498      An Act Regarding Marijuana Licensing**

**Leave to Withdraw Pursuant to Joint Rule**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARVELL L DION M		

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

The bill requires an applicant for a marijuana license under the Maine Revised Statutes, Title 7 who is a natural person to have been a resident of the State for at least one year continuously prior to application for a license. It requires an applicant that is a business entity organized under Title 13-B or 13-C that applies for a marijuana license under Title 7 to have been organized for at least one year continuously prior to application for a license and requires an individual who submits the application for the business to have been a resident of the State for at least one year continuously prior to application for a license.

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

The bill also requires an applicant for a marijuana license under Title 7 to disclose the applicant's financial interest in the license, including, but not limited to, investment interest and salary or other reimbursement that may become due to the applicant from any other person or business if the license is granted.

**LD 499      An Act To Allow Municipalities To Prohibit Retail Marijuana Facilities  
in Safe Zones** **Leave to Withdraw  
Pursuant to Joint  
Rule**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AUSTIN B COLLINS R		

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

The bill allows municipalities to adopt ordinances prohibiting the location of retail marijuana establishments and retail marijuana social clubs under the Marijuana Legalization Act.

**LD 545      An Act To Ensure Maine's Unorganized Townships and Plantations  
Maintain Local Control under Laws Legalizing Marijuana** **Leave to Withdraw  
Pursuant to Joint  
Rule**

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

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 ensure that unorganized townships and plantations maintain local control under laws legalizing marijuana.

**LD 596      An Act To Promote Highway Safety by Restricting the Use of Marijuana  
and Possession of an Open Marijuana Container in a Motor Vehicle** **Leave to Withdraw  
Pursuant to Joint  
Rule**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COREY P ROSEN K		

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

The bill makes it a traffic infraction to consume marijuana or a marijuana product or to possess an open container of marijuana or a marijuana product in the passenger area of a motor vehicle. The bill is similar to the provisions of law making consuming alcohol or having an open container of alcohol in the passenger area of a motor vehicle a traffic infraction.