

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH 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

128TH 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 128th 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 128th 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 797 An Act To Fund Railroad Infrastructure and Operations

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R DION M		

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 requires 20% of revenue from the sales tax on retail marijuana and retail marijuana products to be transferred to the Multimodal Transportation Fund to be used for the multimodal forms of transportation, limited to passenger marine, road surface and passenger rail transit, of the State, municipalities and multimodal providers supporting passenger rail operations. Priority investment must be targeted to those railroad corridors that could support passenger and freight operations and enhance the movement of agricultural products.

**LD 798 An Act To Clarify the Intent of the Licensing Provisions in the
Marijuana Legalization Act**

**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 amends the Marijuana Legalization Act to require the state licensing authority, when issuing a license under the Act, to give preference to individuals who are residents of this State and to businesses that are organized or incorporated in this State. The bill also requires any licenses issued for retail marijuana cultivation facilities to be issued in an equal number between those facilities with 3,000 square feet or less of plant canopy and those with more than 3,000 square feet of plant canopy.

**LD 799 An Act To Protect Landlords and Tenants from the Deleterious Effects
of Marijuana Use**

**Leave to Withdraw
Pursuant to Joint
Rule**

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

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

The bill allows a landlord to restrict or prohibit the cultivation, possession or use of marijuana on residential premises rented by that landlord. The bill, similar to the law allowing a landlord to restrict smoking of tobacco on leased premises, requires the landlord to develop a policy regarding the allowance or prohibition of the cultivation, possession or use of marijuana, detailing those areas where it is allowed or prohibited, and provide notice of the

Joint Select Committee on Marijuana Legalization Implementation

policy to tenants and prospective tenants. The bill does not give a person who is aggrieved by the failure of the landlord to provide the policy or another tenant to abide by the policy a cause of action against the landlord.

LD 806 An Act To Provide Tax Fairness and To Lower Medical Expenses for Patients under the Maine Medical Use of Marijuana Act

Leave to Withdraw Pursuant to Joint Rule

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N BICKFORD B		

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

The bill allows a taxpayer, either an individual or corporation, that operates a registered dispensary of medical marijuana pursuant to the Maine Medical Use of Marijuana Act to deduct from income the costs of operating that registered dispensary. The bill also allows a qualified patient to deduct from income the costs of medical marijuana purchased by that qualifying patient. The bill also provides a statutory requirement that registered primary caregivers under the Maine Medical Use of Marijuana Act register to collect sales tax.

LD 854 An Act To Correct Errors and Inconsistencies in the Marijuana Legalization Act as Approved by the Voters

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 correct errors and inconsistencies in the Marijuana Legalization Act as approved at referendum in November 2016.

LD 855 An Act To Protect Children from Edible Cannabis Products

Leave to Withdraw Pursuant to Joint Rule

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

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

The bill amends the Marijuana Legalization Act to require the state licensing authority to develop rules that prohibit the manufacture, distribution and sale of edible retail marijuana products in packaging or shapes that appeal to children. Under current law, the possession of any edible retail marijuana product is prohibited until February 1, 2018, so the effective date of this legislation is delayed until then.