

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH LEGISLATURE
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON
VETERANS AND LEGAL AFFAIRS**

August 2019

STAFF:

JANET STOCCO, 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/>

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STATE OF MAINE

129TH 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 129th 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 129th Legislature is Thursday, September 19, 2019. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Veterans and Legal Affairs

Academy and the Maine Community College System, while decreasing the share of others, such as the fund to supplement harness racing purses, and eliminating the share of others, such as the Fund to Encourage Racing at Maine's Commercial Tracks, the Sire Stakes Fund and the Fund to Stabilize Off-track Betting Facilities; or

3. Enact a combination of the two methods and include different recipients.

LD 719 **An Act Regarding Adult Use Marijuana**

PUBLIC 491

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIERCE T	OTP-AM OTP-AM ONTP	H-657

This bill is a concept draft pursuant to Joint Rule 208 that proposes to amend the Marijuana Legalization Act.

Committee Amendment "A" (H-657)

This amendment, which is the majority report of the committee, changes the title and replaces the bill, which is a concept draft. The amendment:

1. Amends the Maine Food Law to provide that goods that are prepared in a licensed food establishment that is also a licensed adult use marijuana products manufacturing facility and that contain marijuana for adult use pursuant to the Maine Revised Statutes, Title 28-B, are not considered adulterated under the Maine Food Law;
2. Authorizes the Department of Administrative and Financial Services, under the Marijuana Legalization Act, to require a conditionally licensed applicant seeking active licensure under the Marijuana Legalization Act to submit information necessary for the department to determine that the applicant continues to meet all applicable requirements for conditional licensure and authorizes the department to refuse to issue an active license if the applicant no longer meets the requirements for conditional licensure;
3. Clarifies the routine technical rule-making authority of the department under the Marijuana Legalization Act with respect to the adoption of rules regarding the provisional licensure, licensure, certification and accreditation of testing facilities;
4. Amends the Marijuana Legalization Act to authorize entry into limited access areas within a marijuana establishment by contractors of a licensee who do not have an individual identification card as long as certain criteria are met;
5. Amends the Marijuana Legalization Act to authorize the department to determine by rule that, for a particular type of edible marijuana product, the stamping or embossing of a universal symbol on each serving of the product is impracticable and is not required;
6. Amends the Marijuana Legalization Act to authorize the department to impose an administrative hold on a licensee, which may involve imposition of certain operational restrictions on the licensee's license if, as a result of an inspection or investigation, the department determines there are reasonable grounds to believe the licensee has committed or is committing a violation of the Marijuana Legalization Act, the rule adopted pursuant to the Marijuana Legalization Act or the conditions or provisions of the licensee's license. An administrative hold may not be imposed for a period exceeding 30 consecutive days; and
7. Authorizes, subject to the incorporation of specified amendments, final adoption of Chapter 1: Adult Use Marijuana Program, a major substantive rule of the Department of Administrative and Financial Services, office of marijuana policy, that was submitted to the Legislature for review.

Joint Standing Committee on Veterans and Legal Affairs

Committee Amendment "B" (H-658)

This amendment, which is the minority report of the committee, changes the title and replaces the bill, which is a concept draft, as follows:

1. Part A provides to the municipalities in which adult use marijuana cultivation facilities and retail stores are located 25% of the excise tax and sales tax from adult use marijuana sales for use in offsetting the negative effects on local resources of local regulation and enforcement of adult use marijuana laws;
2. Part B repeals from the adult use marijuana laws the provision that allows the Department of Administrative and Financial Services to temporarily waive mandatory testing requirements under some circumstances;
3. Part C requires certification of an adult use marijuana testing facility by the United States Department of Health and Human Services, Centers for Disease Control and Prevention and repeals from the law provisional licensure for testing facilities;
4. Part D amends the general licensing criteria for all types of adult use marijuana establishments and requires that all investors and owners, of any type and in any amount, be Maine residents. The amendment repeals from the law an exception that states that the licensing criteria relating to residency do not apply to licensed testing facilities;
5. Part E requires all marijuana and marijuana products to be sold or offered for sale to a consumer to have labels that warn of the connection of marijuana to negative health effects, including but not limited to schizophrenia, mental illness, psychosis, disrupted learning and memory and interruption of the normal development of the brain and other negative health effects as determined by the Department of Health and Human Services, Maine Center for Disease Control and Prevention;
6. Part F:
 - A. Amends the Maine Food Law to provide that goods that are prepared in a licensed food establishment that is also a licensed adult use marijuana products manufacturing facility and that contain marijuana for adult use pursuant to the Maine Revised Statutes, Title 28-B, are not considered adulterated under the Maine Food Law;
 - B. Authorizes the Department of Administrative and Financial Services, under the Marijuana Legalization Act, to require a conditionally licensed applicant seeking active licensure under the Marijuana Legalization Act to submit information necessary for the department to determine that the applicant continues to meet all applicable requirements for conditional licensure and authorizes the department to refuse to issue an active license if the applicant no longer meets the requirements for conditional licensure;
 - C. Clarifies the routine technical rule-making authority of the department under the Marijuana Legalization Act with respect to the adoption of rules regarding the licensure, certification and accreditation of testing facilities;
 - D. Amends the Marijuana Legalization Act to authorize entry into limited access areas within a marijuana establishment by contractors of a licensee who do not have an individual identification card as long as certain criteria are met;
 - E. Amends the Marijuana Legalization Act to authorize the department to determine by rule that, for a

Joint Standing Committee on Veterans and Legal Affairs

particular type of edible marijuana product, the stamping or embossing of a universal symbol on each serving of the product is impracticable and is not required; and

F. Amends the Marijuana Legalization Act to authorize the department to impose an administrative hold on a licensee, which may involve imposition of certain operational restrictions on the licensee's license if, as a result of an inspection or investigation, the department determines there are reasonable grounds to believe the licensee has committed or is committing a violation of the Marijuana Legalization Act, the rule adopted pursuant to the Marijuana Legalization Act or the conditions or provisions of the licensee's license. An administrative hold may not be imposed for a period exceeding 30 consecutive days; and

7. Part G authorizes, subject to the incorporation of specified amendments, final adoption of Chapter 1: Adult Use Marijuana Program, a major substantive rule of the Department of Administrative and Financial Services, office of marijuana policy, that was submitted to the Legislature for review.

This amendment was not adopted.

Enacted Law Summary

Public Law 2019, chapter 491 does the following:

1. Amends the Maine Food Law to provide that goods that are prepared in a licensed food establishment that is also a licensed adult use marijuana products manufacturing facility and that contain marijuana for adult use pursuant to the Maine Revised Statutes, Title 28-B, are not considered adulterated under the Maine Food Law;

2. Authorizes the Department of Administrative and Financial Services, under the Marijuana Legalization Act, to require a conditionally licensed applicant seeking active licensure under the Marijuana Legalization Act to submit information necessary for the department to determine that the applicant continues to meet all applicable requirements for conditional licensure and authorizes the department to refuse to issue an active license if the applicant no longer meets the requirements for conditional licensure;

3. Clarifies the routine technical rule-making authority of the department under the Marijuana Legalization Act with respect to the adoption of rules regarding the provisional licensure, licensure, certification and accreditation of testing facilities;

4. Amends the Marijuana Legalization Act to authorize entry into limited access areas within a marijuana establishment by contractors of a licensee who do not have an individual identification card as long as certain criteria are met;

5. Amends the Marijuana Legalization Act to authorize the department to determine by rule that, for a particular type of edible marijuana product, the stamping or embossing of a universal symbol on each serving of the product is impracticable and is not required;

6. Amends the Marijuana Legalization Act to authorize the department to impose an administrative hold on a licensee, which may involve imposition of certain operational restrictions on the licensee's license if, as a result of an inspection or investigation, the department determines there are reasonable grounds to believe the licensee has committed or is committing a violation of the Marijuana Legalization Act, the rule adopted pursuant to the Marijuana Legalization Act or the conditions or provisions of the licensee's license. An administrative hold may not be imposed for a period exceeding 30 consecutive days; and

7. Authorizes, subject to the incorporation of specified amendments, final adoption of Chapter 1: Adult Use Marijuana Program, a major substantive rule of the Department of Administrative and Financial Services, office of marijuana policy, that was submitted to the Legislature for review.