

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

STATE OF MAINE
130TH LEGISLATURE
SECOND REGULAR SESSION



Disposition of bills and summaries of all laws enacted or finally passed

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

July 2022

MEMBERS:

SEN. CRAIG V. HICKMAN, CHAIR*

SEN. LOUIS J. LUCHINI, CHAIR*

SEN. BRADLEE T. FARRIN

SEN. DAVID R. MIRAMANT**

REP. CHRISTOPHER J. CAIAZZO, CHAIR

REP. JOYCE MCCREIGHT

REP. JOHN L. TUTTLE

REP. MORGAN J. RIELLY

REP. LAURA D. SUPICA

REP. BARBARA A. WOOD

REP. MARYANNE KINNEY

REP. MATTHEW A. HARRINGTON

REP. PATRICK W. COREY

REP. JOSANNE C. DOLLOFF

STAFF:

JANET STOCCO, LEGISLATIVE ANALYST

SAMUEL PRAWER, LEGISLATIVE ANALYST

OFFICE OF POLICY AND LEGAL ANALYSIS

13 STATE HOUSE STATION

AUGUSTA, ME 04333

(207) 287-1670

<http://legislature.maine.gov/opla/>

*Committee chair for a portion of the session

** Committee member for portion of session

JOINT STANDING COMMITTEE ON VETERANS AND LEGAL AFFAIRS

Public Law 2021, chapter 546 also authorizes a single retailer within a group of commonly owned retailers licensed to sell wine for off-premises consumption to obtain authority from the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to sell or transfer wine by the case or by the bottle to the other retailers within the group. A retailer is commonly owned with another retailer if the same person or persons hold a majority ownership in both retailers. Before making its first transfer or sale of wine to a commonly owned retailer, the retailer must demonstrate to the bureau that the group of commonly owned retailers shares an inventory tracking system capable of identifying which retailer within the group has possession of each container of wine at all times; that it has a safe and secure method for transferring wine; and that it will not transfer wine to a commonly owned retailer unless that retailer is located within the same wholesaler's territory for the specific wine product being sold or transferred. The retailer making the wine sales or transfers may designate an area within its licensed premises to which customers do not have access of no more than 750 square feet for the storage of wine and may not store wine in any other area or facility.

LD 1927 An Act To Authorize Certain Off-premises Sales of Adult Use Marijuana Products

ENACTED LAW SUMMARY

Public Law 2021, chapter 735 authorizes a marijuana store to sell adult use marijuana products at a specified event located outside the licensed premises of the marijuana store and describes the contents of the application the store must submit to the Department of Administrative and Financial Services to obtain a permit make such sales. It requires the marijuana store to submit a permit application at least 30 days prior to the specified event and to include proof of municipal approval. It also specifies the conditions for adult use marijuana product sales at specified events, including that all sales be recorded using a video recording device and that adult use marijuana products that are consumed by smoking may not be sold under a specified event permit.

LD 1928 An Act To Update and Clarify the Maine Medical Use of Marijuana Act

ENACTED LAW SUMMARY

Public Law 2021, chapter 662 makes the following changes to the Maine Medical Use of Marijuana Act.

1. It provides definitions for “complete application,” “immature plant canopy,” “marijuana tincture,” “telehealth services” and “timely filed” and amends definitions for “cultivation area,” “plant canopy” and “written certification.”
2. It amends requirements for medical providers providing written certification to qualifying patients who are minors, including by imposing a requirement for medical providers to be available after hours for questions about a minor patient's medical use of marijuana.

JOINT STANDING COMMITTEE ON VETERANS AND LEGAL AFFAIRS

3. It authorizes the use of telehealth services for medical providers to meet with patients seeking a written certification for the medical use of marijuana.
4. It limits the circumstances under which a law enforcement officer may enter a location in which a qualifying patient, caregiver, registered dispensary, manufacturing facility or marijuana testing facility conducts activities authorized under the Maine Medical Use of Marijuana Act or by a registry identification card or registration certificate issued under that law.
5. It provides that a medical marijuana program registrant is not required to disclose to a law enforcement officer information that could reasonably identify an individual person's identity without a warrant requiring the disclosure and that a person who accompanies a patient to obtain marijuana plants or harvested marijuana may not be required to disclose to a law enforcement officer information that could reasonably identify a patient's identity without a warrant requiring disclosure.
6. It authorizes a person providing a qualifying patient with harvested marijuana to provide the patient with required educational materials in printed or electronic form.
7. It authorizes the Department of Administrative and Financial Services to issue to an assistant of one or more registered caregivers or registered dispensaries a single registry identification card that allows the assistant to assist one or more caregivers or dispensaries.
8. It provides that in the case of a caregiver's application for renewal of a registry identification card or registered dispensary's application for renewal of a registration certificate, upon receipt of a timely filed, complete application submitted by the caregiver or dispensary, the department must provide the caregiver or dispensary with a written statement acknowledging receipt of the application that authorizes the caregiver or dispensary to continue operating under the caregiver's or dispensary's current card or certificate until the application is approved and a renewed card or certificate is issued by the department, the application is denied and the current card or certificate expires, 90 days elapse from the date of the written statement or the current card or certificate is suspended or revoked, whichever occurs first, and, if the department fails to issue or deny a renewal within 90 days, the renewal is deemed granted.
9. It clarifies the definition of "cultivation area" to provide that a cultivation area may include multiple indoor or outdoor areas, whether contiguous or noncontiguous, on the same parcel or tract of land. It provides that a cultivation area for a dispensary must be on a single parcel or tract of land, that a caregiver may maintain up to two cultivation areas that may be located on separate parcels or tracts of land, whether contiguous or noncontiguous, and that a caregiver must ensure that mature marijuana plants and immature marijuana plants and seedlings are cultivated in separate cultivation areas and a dispensary must ensure that mature marijuana plants and immature marijuana plants and seedlings are cultivated in separate spaces within the same cultivation area. Dispensaries and caregivers must disclose the locations of all cultivation areas to the department.
10. It authorizes a caregiver to cultivate either up to 30 mature marijuana plants, up to 60 immature marijuana plants and unlimited seedlings or up to 500 square feet of mature plant canopy, up

JOINT STANDING COMMITTEE ON VETERANS AND LEGAL AFFAIRS

to 1,000 square feet of immature plant canopy and unlimited seedlings but provides that a caregiver must cultivate mature marijuana plants and immature marijuana plants both by plant count or both by plant canopy.

11. Subject to specified requirements, it authorizes medical providers to provide a qualifying patient with a digital image of the patient's written certification for the medical use of marijuana, which may be used in place of a written certification document.
12. It clarifies that a caregiver may transfer immature marijuana plants, seedlings, seeds and harvested marijuana to a qualifying patient, another caregiver or a registered dispensary for reasonable compensation or for no remuneration.

LD 1930 Resolve, Regarding Legislative Review of Portions of Chapter 1: Adult Use Marijuana Program Rule, a Major Substantive Rule of the Department of Administrative and Financial Services, Office of Marijuana Policy

ENACTED LAW SUMMARY

Resolve 2021, chapter 143 provides legislative approval of portions of Chapter 1: Adult Use Marijuana Program Rule, a major substantive rule of the Department of Administrative and Financial Services, office of marijuana policy.

Resolve 2021, chapter 143 was enacted as an emergency measure effective April 7, 2022.

LD 1957 An Act To Promote Equity and Increase Opportunities in the Cannabis Industry by Reducing Restrictions Related to Convictions for Drug Offenses and To Replace the Term "Marijuana" with the Term "Cannabis" in the Maine Revised Statutes

ENACTED LAW SUMMARY

Public Law 2021, chapter 669 does the following.

1. It amends the prohibitions on participation in the cannabis industry under the Maine Medical Use of Marijuana Act and the Marijuana Legalization Act for persons convicted of drug offenses by reducing from 10 years to 5 years the time that must elapse after any term of probation, incarceration or supervised release is completed in order for the relevant offense to no longer be considered a disqualifying drug offense.
2. It exempts from the definition of "disqualifying drug offense" in both of those Acts an offense for activity that would have been allowed under the Maine Revised Statutes, Title 28-B.
3. It directs by a revision clause that the term "marijuana" be replaced with the term "cannabis" in the Maine Revised Statutes except in the Maine Criminal Code and adjusts language in certain sections of Title 17-A and Title 22 to be consistent with that change.