

# 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  
131<sup>ST</sup> LEGISLATURE  
SECOND REGULAR SESSION



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

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

June 2024

**STAFF:**

RACHEL OLSON, LEGISLATIVE ANALYST  
LYNNE WESTPHAL, LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670  
<http://legislature.maine.gov/opla>

**MEMBERS:**

SEN. CRAIG V. HICKMAN, CHAIR  
SEN. STACY F. BRENNER  
SEN. JEFFREY L. TIMBERLAKE

REP. LAURA D. SUPICA, CHAIR  
REP. MORGAN J. RIELLY  
REP. BENJAMIN T. COLLINGS  
REP. MARC G. MALON, II  
REP. KAREN L. MONTELL  
REP. LYNNE A. WILLIAMS  
REP. JOHN ANDREWS  
REP. DAVID W. BOYER, JR.  
REP. BENJAMIN C. HYMES  
REP. SHELLEY RUDNICKI

# STATE OF MAINE

131<sup>ST</sup> LEGISLATURE  
SECOND REGULAR SESSION



## LEGISLATIVE DIGEST OF BILLS AND SUMMARIES OF ENACTED LAWS

This *Legislative Digest of Bills and Summaries of Enacted Laws* provides the disposition of all LDs and summaries of all laws enacted or finally passed during the Second Regular Session of the 131st Maine Legislature. Please note that all LDs and proposed amendments may be found through the Legislature's webpage, and each includes a summary of what the bill or amendment proposed.

The *Legislative Digest of Bills and Summaries of Enacted Laws* is arranged alphabetically by committee. Within each committee section is a subject index of all LDs considered by that committee as well as a digest of the LDs, arranged by LD number. Also included are enacted law summaries of the LDs enacted or finally passed. Brief analyst notes on certain LDs are also included: a committee digest will indicate if additional notes are provided for an LD. These notes add information staff found useful and may provide useful information to users of this *Digest*; please note that most LDs do not have a note and lack of a note should not be interpreted as having any significance. A separate section of the *Digest* provides a digest of the relatively few LDs that were not referred to a committee or reported from a committee as a committee bill; enacted law summaries of the LDs enacted or finally passed are provided. Finally, an appendix provides a summary of relevant session statistics.

The final disposition of each LD is noted in the relevant summary digest and index. 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 Second Regular Session of the 131st Legislature is Friday, August 9, 2024. 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

### **LD 40 An Act to Protect Liberty and Advance Justice in the Administration and Enforcement of the Cannabis Legalization Act and the Maine Medical Use of Cannabis Act**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 679 makes significant changes to the Cannabis Legalization Act and the Maine Medical Use of Cannabis Act and authorizes the adoption of three major substantive rules provisionally adopted by the Department of Administrative and Financial Services, office of cannabis policy, referred to in this summary as “the office.” The law is divided into five parts.

Part A clarifies that both the medical use of cannabis program and the adult use of cannabis program are subject to review by the joint standing committee of the Legislature having jurisdiction over veterans and legal affairs under the State Government Evaluation Act. Part A also makes the following changes to the Maine Medical Use of Cannabis Act.

1. It reorganizes the definitions in alphabetical order.
2. It amends certain definitions in response to the recommendations of the Joint Standing Committee on Veterans and Legal Affairs Subcommittee established to consider non-substantive changes to the Maine Medical Use of Cannabis Act.
3. It amends certain definitions to better conform the definitions with the Legislature's intent for the medical use of cannabis program.
4. It establishes a process for appointing or approving a person to operate, manage, control or wind down a cannabis business in cases of death, disability, bankruptcy, judicial dissolution or other exceptional circumstances.
5. It clarifies that a caregiver may assist up to two other caregivers with authorized activities for up to 90 days in one calendar year.
6. It enumerates the types of violations the office may enforce and the enforcement actions authorized.
7. It repeals and replaces the provision on suspension of a registration to specify the circumstances that warrant a suspension and to limit the suspension to one year.
8. It adds a requirement that the office provide written notice to a registrant within five business days of identifying a violation of the Maine Medical Use of Cannabis Act and requires the registrant to provide the office with a plan of correction, if applicable, within five days of receiving the notice.
9. It adds a requirement that if the office decides to impose a monetary penalty for a violation, the office must provide timely notice to the registrant.

## JOINT STANDING COMMITTEE ON VETERANS AND LEGAL AFFAIRS

10. It clarifies that the Maine Administrative Procedure Act applies to actions of the office taken pursuant to the Maine Medical Use of Cannabis Act.

Part B makes the following changes to the Cannabis Legalization Act and Title 28-B, chapter 3, which governs personal adult use of cannabis and cannabis products and home cultivation of cannabis for personal adult use.

1. It reorganizes the definitions in alphabetical order.
2. It amends certain definitions to better conform the definitions with the Legislature's intent for the adult use of cannabis program.
3. It adds a definition of “principal” to identify the natural persons subject to the provisions of the chapter when the principal is an entity and not a natural person.
4. It establishes the Office of Cannabis Policy within the Department of Administrative and Financial Services and replaces the word “department” with the word “office” throughout the Cannabis Legalization Act, when appropriate.
5. It moves the provisions related to rule-making authority into a new section.
6. It allows a licensee to submit the required tracking data through the use of software that connects to the tracking system maintained by the office through an application program interface.
7. It includes in statute the requirements for an individual identification card.
8. It removes the requirement that an employee or other support staff submit to a criminal history record check.
9. It adds a requirement that the office include in its annual report a detailed account of the income and expenditures of the Adult Use Cannabis Regulatory Coordination Fund and the Adult Use Cannabis Public Health and Safety and Municipal Opt-in Fund in Title 28-B, chapter 1, subchapter 11.
10. It removes the requirement that a licensee be a resident of the State, a provision that has not been enforced by the office pursuant to an opinion issued by the Maine Supreme Judicial Court in 2021.
11. It establishes a process for appointing or approving a person to operate, manage, control or wind down a cannabis business in cases of death, disability, bankruptcy, judicial dissolution or other exceptional circumstances.
12. It clarifies that the colocation of certain adult use cannabis operations and medical use cannabis operations may occur in a shared facility as long as there is an owner in common licensed

## JOINT STANDING COMMITTEE ON VETERANS AND LEGAL AFFAIRS

under the adult use of cannabis program and registered under the medical use of cannabis program.

13. It establishes a process for a cultivation facility or nursery cultivation facility to acquire seeds or seedlings by purchase or gift.
14. It clarifies that a manufacturing facility licensee may, under certain conditions, also manufacture certain other products if authorized pursuant to Title 7, section 2231, except that the licensee may not manufacture hemp that does not also contain cannabis.
15. It clarifies that a licensee may retest its adult use cannabis and adult use cannabis products for potency but must report the potency values for both the initial and retest to the office.
16. It establishes a process for a licensee to provide samples of adult use cannabis and adult use cannabis products to a consumer.
17. It allows a cannabis store to establish special retail sales prices.
18. It allows for a minor to enter a cannabis store when accompanied by a parent, legal guardian or custodian and allows an individual identification card holder who is a parent, legal guardian or custodian of a minor to bring the minor on the licensed premises in emergency circumstances.
19. It establishes a process for a licensee to allow visitors who are not minors in a limited access area of the cannabis establishment.
20. It limits the amount of samples the office may collect and test for both product quality control and for audit testing purposes.
21. It clarifies that returned adult use cannabis and adult use cannabis products, except cannabis and cannabis products returned by a consumer to a cannabis store, do not need to be retested if the tamper-evident packaging indicates that the cannabis or cannabis product packaging is intact.
22. It requires the office to submit a written decision on a request for approval of any labeling, packaging, advertising and marketing voluntarily submitted by a licensee within 30 days of the request.
23. It amends the requirement that all edible cannabis products be stamped or embossed with a universal symbol by allowing an edible cannabis product serving to be individually wrapped or blister packaged with the universal symbol clearly included on the wrapping or packaging.
24. It identifies the following edible cannabis products as impracticable to stamp, emboss, individually wrap or blister package: potato or corn chips, popcorn, pretzels, loose granola and gummies.

## JOINT STANDING COMMITTEE ON VETERANS AND LEGAL AFFAIRS

25. It enumerates the types of violations the office may enforce and the enforcement actions authorized.
26. It decreases the monetary penalties imposed by the office in the following ways.
  - A. The penalty for a major violation affecting public safety is decreased from not more than \$100,000 to not more than \$20,000 per violation.
  - B. The penalty for a major violation is decreased from not more than \$50,000 per violation to not more than \$10,000 per violation.
  - C. The penalty for a minor violation is decreased from not more than \$10,000 per violation to not more than \$2,500 per violation.
27. It adds a requirement that the office provide written notice to a licensee within five business days of identifying a violation of the Cannabis Legalization Act and requires the licensee to provide the office with a plan of correction, if applicable, within five days of receiving the notice.
28. It repeals and replaces the provision on suspension of a license to specify the circumstances that warrant a suspension and to limit the suspension to one year.
29. It provides for the revocation of a license by the office under certain circumstances.
30. It provides for timely notice to the licensee when the office identifies a violation.
31. It clarifies that the Maine Administrative Procedure Act applies to actions of the office taken pursuant to the Cannabis Legalization Act.
32. It clarifies conduct required and prohibited during an administrative hold imposed by the office.
33. It clarifies that the office does not enforce the provisions of Title 28-B, chapter 3, which governs personal adult use of cannabis and cannabis products and home cultivation of cannabis for personal adult use.

Part C makes necessary corrections throughout the Maine Revised Statutes, other than in Title 28-B or Title 22, chapter 558-C, when a provision in statute cross-references a portion of Title 28-B or Title 22, chapter 558-C that was amended or repealed in this law.

Part D creates the cannabis hospitality task force to review how other states regulate cannabis hospitality establishments and to draft recommendations for a bill to regulate these establishments in the State. It requires the office to develop a self-populating online license renewal application process. It staggers implementation of the change from an annual renewal of registry identification cards required under Title 28-B, chapter 1 to a two-year renewal requirement.

## JOINT STANDING COMMITTEE ON VETERANS AND LEGAL AFFAIRS

Part E adopts three major substantive rules of the Department of Administrative and Financial Services, office of cannabis policy, with certain changes.

1. It adopts Chapter 10: Rules for the Administration of the Adult Use Cannabis Program.
2. It adopts Chapter 20: Rules for the Licensure of Adult Use Cannabis Establishments.
3. It adopts Chapter 30: Compliance Rules for Adult Use Cannabis Establishments.

Part E specifies that the office is not required to hold hearings or undertake further proceedings prior to final adoption of any of the rules authorized in this legislation.

Part E requires the office to submit, by December 15, 2024, a copy of each finally adopted rule to the joint standing committee of the Legislature having jurisdiction over cannabis matters and to clearly indicate any differences between each provisionally adopted and finally adopted rule. The committee may report out legislation related to the rules to the 132nd Legislature in 2025.

### **LD 355 An Act to Eliminate the Cannabis Advisory Commission**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 650 eliminates the Cannabis Advisory Commission established under the Maine Revised Statutes, Title 28-B, chapter 1, subchapter 9.

### **LD 504 An Act Regarding Licensing Fees for Small Slot Machine Distributors**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 655 sets the initial application fee for a slot machine distributor that applies to distribute fewer than 50 slot machines per location annually at \$50,000 and the annual renewal fee for those distributors at \$10,000.

### **LD 833 An Act to Establish Separate Inauguration and Transition Committees for a Governor-elect and to Limit Donations to Each**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 573 establishes separate committees for a Governor-elect's inauguration and for the transition to office of a Governor-elect and prohibits the commingling of any donations received by one committee with donations received by the other committee. It limits a person's donation to each committee to no more in aggregate than the amount an individual may contribute to a gubernatorial candidate under the Maine Revised Statutes, Title 21-A, section 1015,