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Date: (Filing No. H- )

**JOINT SELECT COMMITTEE ON MARIJUANA LEGALIZATION  
IMPLEMENTATION**

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
128TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1199, L.D. 1719, Bill, “An Act To Implement a Regulatory Structure for Adult Use Marijuana”

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting the following:

**'PART A**

**Sec. A-1. 5 MRSA §12004-I, sub-§52-C** is enacted to read:

**52-C.**

Judiciary: Marijuana Advisory Expenses Only 28-B MRSA §901  
Marijuana Commission

**Sec. A-2. 7 MRSA §1-C**, as enacted by PL 2017, c. 278, §1, is repealed.

**Sec. A-3. 7 MRSA c. 417**, as amended, is repealed.

**Sec. A-4. 22 MRSA §3763, sub-§11, ¶J**, as enacted by PL 2017, c. 208, §2, is amended to read:

J. ~~Retail~~ Adult use marijuana and ~~retail~~ adult use marijuana products, as defined by Title 7 28-B, section ~~2442~~ 102.

**Sec. A-5. 26 MRSA §772, sub-§2**, as amended by PL 2017, c. 286, §2, is further amended to read:

**2. Rules; list of employment and occupations.** The director shall adopt rules to develop and maintain a list of employment and occupations not suitable for a minor. The rules must conform as far as practicable to the child labor provisions of the federal Fair Labor Standards Act of 1938, 29 United States Code, Section 212 and any associated regulations. The rules must also contain provisions prohibiting the employment of

**COMMITTEE AMENDMENT**

1 minors in places having nude entertainment and in registered dispensaries of marijuana  
2 for medical use authorized under Title 22, chapter 558-C and in establishments that  
3 cultivate, produce or sell marijuana or products in which marijuana is an ingredient ~~or in~~  
4 ~~recreational marijuana social clubs~~ as authorized under Title 7 28-B, chapter 417 1.

5 **Sec. A-6. 28-B MRSA** is enacted to read:

6 **TITLE 28-B**

7 **ADULT USE MARIJUANA**

8 **CHAPTER 1**

9 **MARIJUANA LEGALIZATION ACT**

10 **SUBCHAPTER 1**

11 **GENERAL PROVISIONS**

12 **§101. Short title**

13 This chapter may be known and cited as "the Marijuana Legalization Act."

14 **§102. Definitions**

15 As used in this Title, unless the context otherwise indicates, the following terms have  
16 the following meanings.

17 **1. Adult use marijuana.** "Adult use marijuana" means marijuana cultivated,  
18 manufactured, distributed or sold by a marijuana establishment.

19 **2. Adult use marijuana product.** "Adult use marijuana product" means a  
20 marijuana product that is manufactured, distributed or sold by a marijuana establishment.

21 **3. Another jurisdiction.** "Another jurisdiction" means the Federal Government, the  
22 United States military, the District of Columbia, the Commonwealth of Puerto Rico, the  
23 Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam,  
24 American Samoa and each of the several states of the United States except Maine.

25 **4. Applicant.** "Applicant" means a person that submits an application for a license  
26 under this chapter to the department for review that the department has not yet approved  
27 or denied.

28 **5. Batch.** "Batch" means:

29 A. A specific quantity of adult use marijuana harvested during a specified period of  
30 time from a specified cultivation area within a cultivation facility; or

31 B. A specific quantity of adult use marijuana or adult use marijuana products  
32 produced during a specified period of time in a specified manufacturing area within a  
33 products manufacturing facility.

1           **6. Batch number.** "Batch number" means a distinct group of numbers, letters or  
2 symbols, or any combination thereof, assigned to a specific batch of adult use marijuana  
3 by a cultivation facility or to a specific batch of adult use marijuana or adult use  
4 marijuana products by a products manufacturing facility.

5           **7. Business entity.** "Business entity" means a partnership, association, company,  
6 corporation, limited liability company or other entity incorporated or otherwise formed or  
7 organized by law. "Business entity" does not include a federal, state or municipal  
8 government organization.

9           **8. Child-resistant.** "Child-resistant" means, with respect to packaging or a  
10 container:

11           A. Specially designed or constructed to be significantly difficult for a typical child  
12 under 5 years of age to open and not to be significantly difficult for a typical adult to  
13 open and reseal; and

14           B. With respect to any product intended for more than a single use or that contains  
15 multiple servings, resealable.

16           **9. Commissioner.** "Commissioner" means the Commissioner of Administrative and  
17 Financial Services.

18           **10. Container.** "Container" means a sealed package in which adult use marijuana or  
19 an adult use marijuana product is placed by a marijuana store prior to sale to a consumer  
20 and that meets all applicable packaging, labeling and health and safety requirements of  
21 this chapter and the rules adopted pursuant to this chapter.

22           **11. Criminal justice agency.** "Criminal justice agency" has the same meaning as in  
23 Title 16, section 803, subsection 4.

24           **12. Cultivation or cultivate.** "Cultivation" or "cultivate" means the planting,  
25 propagation, growing, harvesting, drying, curing, grading, trimming or other processing  
26 of marijuana for use or sale. "Cultivation" or "cultivate" does not include manufacturing,  
27 testing or marijuana extraction.

28           **13. Cultivation facility.** "Cultivation facility" means a facility licensed under this  
29 chapter to purchase marijuana plants and seeds from other cultivation facilities; to  
30 cultivate, prepare and package adult use marijuana; to sell adult use marijuana to products  
31 manufacturing facilities, to marijuana stores and to other cultivation facilities; and to sell  
32 marijuana plants and seeds to other cultivation facilities and immature marijuana plants  
33 and seedlings to marijuana stores.

34           **14. Department.** "Department" means the Department of Administrative and  
35 Financial Services.

36           **15. Disqualifying drug offense.** "Disqualifying drug offense" means a conviction  
37 for a violation of a state or federal controlled substance law that is a crime punishable by  
38 imprisonment for one year or more, except that "disqualifying drug offense" does not  
39 include:

40           A. An offense for which the sentence, including any term of probation, incarceration  
41 or supervised release, was completed 10 or more years prior to the submission of an  
42 application for a license under this chapter; or

1           B. An offense that consisted of conduct that is authorized under chapter 3.

2           **16. Edible marijuana product.** "Edible marijuana product" means a marijuana  
3 product intended to be consumed orally, including, but not limited to, any type of food,  
4 drink or pill containing marijuana or marijuana concentrate.

5           **17. Flowering.** "Flowering" means, with respect to a marijuana plant, the  
6 gametophytic or reproductive state of a female marijuana plant during which the plant is  
7 in a light cycle intended to produce flowers, trichomes and cannabinoids characteristic of  
8 marijuana.

9           **18. Identity statement.** "Identity statement" means the name of a business entity as  
10 it is commonly known and used in any advertising or marketing by the business entity.

11           **19. Immature marijuana plant.** "Immature marijuana plant" means a marijuana  
12 plant that is not a mature marijuana plant or a seedling.

13           **20. Inherently hazardous substance.** "Inherently hazardous substance" means a  
14 liquid chemical, compressed gas or commercial product that has a flash point at or lower  
15 than 38 degrees Celsius or 100 degrees Fahrenheit, including, but not limited to, butane,  
16 propane and diethyl ether. "Inherently hazardous substance" does not include any form  
17 of alcohol or ethanol.

18           **21. Intoxication.** "Intoxication" means a substantial impairment of an individual's  
19 mental or physical faculties as a result of drug or alcohol use.

20           **22. Law enforcement officer.** "Law enforcement officer" has the same meaning as  
21 in Title 17-A, section 2, subsection 17.

22           **23. Licensed premises.** "Licensed premises" means the premises specified in a  
23 license to operate a marijuana establishment within which the licensee is authorized under  
24 this chapter and the rules adopted pursuant to this chapter to cultivate, manufacture,  
25 distribute, test or sell adult use marijuana or adult use marijuana products.

26           **24. Licensee.** "Licensee" means a person licensed pursuant to this chapter to operate  
27 a marijuana establishment.

28           **25. Limited access area.** "Limited access area" means a building, room or other  
29 area within the licensed premises of a marijuana establishment where a licensee is  
30 authorized to cultivate, store, weigh, manufacture, package or otherwise prepare for sale  
31 adult use marijuana and adult use marijuana products in accordance with the provisions  
32 of this chapter and the rules adopted pursuant to this chapter.

33           **26. Manufacturing or manufacture.** "Manufacturing" or "manufacture" means the  
34 production, blending, infusing, compounding or other preparation of marijuana and  
35 marijuana products, including, but not limited to, marijuana extraction or preparation by  
36 means of chemical synthesis. "Manufacturing" or "manufacture" does not include  
37 cultivation or testing.

38           **27. Marijuana.** "Marijuana" means the leaves, stems, flowers and seeds of a  
39 marijuana plant, whether growing or not. "Marijuana" includes marijuana concentrate but  
40 does not include industrial hemp as defined in Title 7, section 2231, subsection 1 or a  
41 marijuana product.

1           **28. Marijuana concentrate.** "Marijuana concentrate" means the resin extracted  
2 from any part of a marijuana plant and every compound, manufacture, salt, derivative,  
3 mixture or preparation from such resin, including, but not limited to, hashish. In  
4 determining the weight of marijuana concentrate in a marijuana product, the weight of  
5 any other ingredient combined with marijuana or marijuana concentrate to prepare the  
6 marijuana product may not be included.

7           **29. Marijuana establishment.** "Marijuana establishment" means a cultivation  
8 facility, a products manufacturing facility, a testing facility or a marijuana store licensed  
9 under this chapter.

10           **30. Marijuana extraction.** "Marijuana extraction" means the process of extracting  
11 marijuana concentrate from marijuana using water, lipids, gases, solvents or other  
12 chemicals or chemical processes.

13           **31. Marijuana flower.** "Marijuana flower" means the pistillate reproductive organs  
14 of a mature marijuana plant, whether processed or unprocessed, including the flowers and  
15 buds of the plant. "Marijuana flower" does not include marijuana trim or whole mature  
16 marijuana plants.

17           **32. Marijuana plant.** "Marijuana plant" means all species of the plant genus  
18 cannabis, including, but not limited to, a mother plant, a mature marijuana plant, an  
19 immature marijuana plant or a seedling.

20           **33. Marijuana product.** "Marijuana product" means a product composed of  
21 marijuana or marijuana concentrate and other ingredients that is intended for use or  
22 consumption. "Marijuana product" includes, but is not limited to, an edible marijuana  
23 product, a marijuana ointment and a marijuana tincture. "Marijuana product" does not  
24 include marijuana concentrate.

25           **34. Marijuana store.** "Marijuana store" means a facility licensed under this chapter  
26 to purchase adult use marijuana, immature marijuana plants and seedlings from a  
27 cultivation facility, to purchase adult use marijuana and adult use marijuana products  
28 from a products manufacturing facility and to sell adult use marijuana, adult use  
29 marijuana products, immature marijuana plants and seedlings to consumers.

30           **35. Marijuana trim.** "Marijuana trim" means any part of a marijuana plant, whether  
31 processed or unprocessed, that is not marijuana flower or a marijuana seed.

32           **36. Mature marijuana plant.** "Mature marijuana plant" means a marijuana plant  
33 that is flowering.

34           **37. Mother plant.** "Mother plant" means a mature marijuana plant that is used  
35 solely for the taking of seedling cuttings.

36           **38. Municipality.** "Municipality" means a city, town or plantation in this State that  
37 is not located within the unorganized and deorganized areas.

38           **39. Opaque.** "Opaque" means, with respect to packaging or a container, that any  
39 product inside of the packaging or container cannot be seen from outside the packaging or  
40 container.

41           **40. Person.** "Person" means a natural person or a business entity.

1           **41. Plant canopy.** "Plant canopy" means the total surface area within the licensed  
2 premises of a cultivation facility that is authorized by the department for use at any time  
3 by the cultivation facility licensee to cultivate mature marijuana plants. The surface area  
4 of the plant canopy must be calculated in square feet and measured using the outside  
5 boundaries of the area and must include all of the area within the boundaries. If the  
6 surface area of the plant canopy consists of noncontiguous areas, each component area  
7 must be separated by identifiable boundaries. If a tiered or shelving system is used by the  
8 cultivation facility licensee, the surface area of each tier or shelf must be included in  
9 calculating the area of the plant canopy. Calculation of the area of the plant canopy may  
10 not include the areas within the licensed premises of a cultivation facility that are used by  
11 the licensee to cultivate immature marijuana plants and seedlings and that are not used by  
12 the licensee at any time to cultivate mature marijuana plants.

13           **42. Primary caregiver.** "Primary caregiver" has the same meaning as in Title 22,  
14 section 2422, subsection 8-A.

15           **43. Products manufacturing facility.** "Products manufacturing facility" means a  
16 facility licensed under this chapter to purchase adult use marijuana from a cultivation  
17 facility or another products manufacturing facility; to manufacture, label and package  
18 adult use marijuana and adult use marijuana products; and to sell adult use marijuana and  
19 adult use marijuana products to marijuana stores and to other products manufacturing  
20 facilities.

21           **44. Propagation.** "Propagation" means the process of reproducing marijuana plants  
22 through the use of marijuana seeds, cuttings or grafting.

23           **45. Qualifying patient.** "Qualifying patient" means a person who possesses a valid  
24 certification for the medical use of marijuana pursuant to Title 22, section 2423-B.

25           **46. Registered dispensary.** "Registered dispensary" means a nonprofit dispensary  
26 that is registered pursuant to Title 22, section 2428.

27           **47. Registered primary caregiver.** "Registered primary caregiver" has the same  
28 meaning as in Title 22, section 2422, subsection 11.

29           **48. Resident.** "Resident" means a natural person who:

30           A. Has filed a resident individual income tax return in this State pursuant to Title 36,  
31 Part 8 in each of the 4 years prior to the year in which the person files an application  
32 for licensure under this chapter. This paragraph is repealed June 1, 2021;

33           B. Is domiciled in this State; and

34           C. Maintains a permanent place of abode in this State and spends in the aggregate  
35 more than 183 days of the taxable year in this State.

36           **49. Sale or sell.** "Sale" or "sell" means a transfer or delivery of marijuana or  
37 marijuana products for consideration.

38           **50. Sample.** "Sample" means:

39           A. An amount of marijuana or an amount of a marijuana product provided to a  
40 testing facility by a marijuana establishment or other person for testing or research  
41 and development purposes in accordance with subchapter 6;

1 B. An amount of adult use marijuana or an amount of an adult use marijuana product  
2 collected from a licensee by the department for the purposes of testing the marijuana  
3 or marijuana product for product quality control purposes pursuant to section 512,  
4 subsection 2;

5 C. An amount of adult use marijuana provided by a cultivation facility to another  
6 licensee for business or marketing purposes pursuant to section 501, subsection 8; or

7 D. An amount of adult use marijuana or an amount of an adult use marijuana product  
8 provided to another licensee by a products manufacturing facility for business or  
9 marketing purposes pursuant to section 502, subsection 6.

10 **51. Seedling.** "Seedling" means a marijuana plant that is:

11 A. Not flowering;

12 B. Less than 6 inches in height; and

13 C. Less than 6 inches in width.

14 **52. Tamper-evident.** "Tamper-evident" means, with respect to a device or process,  
15 bearing a seal, a label or a marking that makes unauthorized access to or tampering with a  
16 package, product or container easily detectable.

17 **53. Testing or test.** "Testing" or "test" means the research and analysis of  
18 marijuana, marijuana products or other substances for contaminants, safety or potency.  
19 "Testing" or "test" does not include cultivation or manufacturing.

20 **54. Testing facility.** "Testing facility" means a facility licensed under this chapter to  
21 develop, research and test marijuana, marijuana products and other substances.

22 **55. THC.** "THC" means tetrahydrocannabinol.

23 **56. Universal symbol.** "Universal symbol" means an image developed by the  
24 department, and made available to licensees, that indicates that a container, package or  
25 product contains marijuana or contains or is a marijuana product.

26 **57. Unorganized and deorganized areas.** "Unorganized and deorganized areas"  
27 has the same meaning as in Title 12, section 682, subsection 1.

28 **58. Visibly intoxicated.** "Visibly intoxicated" means in a state of intoxication  
29 accompanied by a perceptible act, a series of acts or the appearance of an individual that  
30 clearly demonstrates the state of intoxication.

31 **§103. Unauthorized conduct; penalties**

32 **1. Unauthorized conduct.** Except as otherwise provided in this chapter, in the rules  
33 adopted pursuant to this chapter, in chapter 3 or in the Maine Medical Use of Marijuana  
34 Act or as specifically authorized pursuant to a license issued under this chapter, a person  
35 may not:

36 A. Cultivate, manufacture or test marijuana or marijuana products;

37 B. Sell or offer for sale marijuana or marijuana products; or

38 C. Use, possess, transport, transfer, furnish or purchase marijuana or marijuana  
39 products.

1           **2. Penalties.** In addition to any penalties that may be imposed pursuant to this  
2 chapter or chapter 3, a person that violates any other provision of law or rule governing  
3 the conduct prohibited under subsection 1 is subject to any criminal or civil penalties that  
4 may be imposed pursuant to that other law or rule.

5           **§104. Implementation, administration and enforcement; staffing; rulemaking**

6           **1. Implementation, administration and enforcement.** The department shall  
7 implement, administer and enforce this chapter and the rules adopted pursuant to this  
8 chapter and has the sole authority under this chapter to:

9           A. Grant or deny applications for the licensure of marijuana establishments under  
10 this chapter; and

11           B. Impose on a licensee any penalty authorized under this chapter or the rules  
12 adopted pursuant this chapter, including, but not limited to, a monetary penalty or a  
13 suspension or revocation of the licensee’s license, upon a determination that the  
14 licensee has committed a violation of this chapter, a rule adopted pursuant to this  
15 chapter or a condition of licensure.

16           **2. Staffing.** The department may employ personnel as necessary to implement,  
17 administer and enforce this chapter and the rules adopted pursuant to this chapter.

18           **3. Rulemaking; consultation.** The department shall adopt all rules necessary to  
19 implement, administer and enforce this chapter.

20           A. The department shall consult with the Department of Agriculture, Conservation  
21 and Forestry prior to the adoption of any rules concerning the regulation of the  
22 cultivation, manufacture and testing of adult use marijuana and adult use marijuana  
23 products at cultivation facilities, products manufacturing facilities and testing  
24 facilities; the regulation of marijuana seeds and clones and marijuana plants; the use  
25 of pesticides, fungicides and herbicides in cultivation; the imposition of limits on the  
26 concentration of THC and other cannabinoids per serving in adult use marijuana  
27 products; odor control standards, sanitary standards, refrigeration requirements and  
28 storage and warehousing standards for licensees; and the regulation of the  
29 preparation, manufacture, testing, packaging and labeling of adult use marijuana and  
30 adult use marijuana products.

31           B. The department shall consult with the Department of Labor prior to the adoption  
32 of any rules concerning workplace, employment or other labor matters involved in  
33 the regulation of adult use marijuana and adult use marijuana products under this  
34 chapter.

35           C. The department shall consult with the Department of Public Safety prior to the  
36 adoption of any rules concerning public safety or law enforcement matters involved  
37 in the regulation of adult use marijuana and adult use marijuana products under this  
38 chapter.

39 Except as otherwise provided in this chapter, all rules adopted pursuant to this chapter are  
40 major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

1 **§105. Tracking system**

2 The department shall implement and administer a system, referred to in this section  
3 as "the tracking system," for the tracking of adult use marijuana and adult use marijuana  
4 products from immature marijuana plant to the point of retail sale, disposal or destruction.

5 **1. Data submission requirements.** The tracking system must allow licensees to  
6 submit tracking data for adult use marijuana or adult use marijuana products to the  
7 department through manual data entry or through the use of tracking system software  
8 commonly used within the marijuana industry as determined by the department.

9 **2. Rules.** The department shall adopt rules regarding the implementation and  
10 administration of the tracking system and tracking requirements for licensees.

11 **§106. Individual identification cards**

12 The department shall issue individual identification cards to natural persons licensed  
13 under this chapter and, upon the request of a licensee, shall issue individual identification  
14 cards to owners, officers, managers, contractors, employees or other support staff of the  
15 licensee who meet the requirements of this section for the issuance of an individual  
16 identification card.

17 **1. Rules.** The department shall adopt rules regarding the issuance and format of and  
18 the information to be included on individual identification cards issued pursuant to this  
19 section.

20 **2. Criminal history record check.** Prior to issuing an individual identification card  
21 to a natural person pursuant to this section, the department shall require the person to  
22 submit to a criminal history record check in accordance with section 204.

23 **§107. Collection and analysis of public health and safety data**

24 The department shall develop programs or initiatives to facilitate the collection and  
25 analysis of data regarding the effects of the use of marijuana in the State, including, but  
26 not limited to, youth and adult marijuana use; school suspension and discipline relating to  
27 the use of marijuana; poison center calls, emergency department visits and  
28 hospitalizations relating to the use of or exposure to marijuana; operating under the  
29 influence citations or arrests relating to the use of marijuana; motor vehicle accidents,  
30 including information on fatalities, relating to the use of marijuana; violent crime relating  
31 to the use of marijuana generally; violent crime and property crime relating to the  
32 regulated and unregulated adult use marijuana markets; and marijuana-related citations or  
33 arrests. The department may adopt rules to implement this section.

34 **§108. Awareness and education on public health and safety matters**

35 The department shall develop and implement or facilitate the development and  
36 implementation by a public or private entity of programs, initiatives and campaigns  
37 focused on increasing the awareness and education of the public on health and safety  
38 matters relating to the use of marijuana and marijuana products, including, but not limited  
39 to, programs, initiatives and campaigns focused on preventing and deterring the use of  
40 marijuana and marijuana products by persons under 21 years of age. Programs,  
41 initiatives and campaigns developed and implemented pursuant to this section may be

1 funded with revenue from the Adult Use Marijuana Public Health and Safety Fund  
2 established in section 1101. The department may adopt rules to implement this section.

3 **§109. Enhanced training for criminal justice agencies**

4 The department shall develop and implement or facilitate the development and  
5 implementation by a public or private entity of programs or initiatives providing  
6 enhanced training for criminal justice agencies in the requirements and enforcement of  
7 this chapter and the rules adopted pursuant to this chapter, including, but not limited to,  
8 programs providing grants to regional or local criminal justice agencies to train law  
9 enforcement officers in inspections, investigations, searches, seizures, forfeitures and  
10 personal use and home cultivation allowances under this chapter and chapter 3 and the  
11 rules adopted pursuant to this chapter and in drug recognition procedures and the general  
12 enforcement of the State's motor vehicle and criminal laws relating to the use of  
13 marijuana. Training programs or initiatives for criminal justice agencies developed and  
14 implemented pursuant to this section may be funded with revenue from the Adult Use  
15 Marijuana Public Health and Safety Fund established in section 1101. The department  
16 may adopt rules to implement this section.

17 **§110. Investigation by a criminal justice agency of unlawful activity**

18 A criminal justice agency may investigate unlawful activity in relation to a marijuana  
19 establishment and may conduct a criminal history record check of a licensee or its  
20 employees during an investigation of unlawful activity in relation to a marijuana  
21 establishment.

22 **§111. Cultivation, care or sale of marijuana by state or local agency prohibited**

23 A state, county or local agency or department, including, but not limited to, the  
24 department and a criminal justice agency, may not:

25 **1. Cultivation or care of marijuana or marijuana products prohibited.** Cultivate  
26 or otherwise care for or be required to cultivate or otherwise care for any marijuana or  
27 marijuana products belonging to, forfeited by or seized from any licensee or person  
28 pursuant to this chapter or chapter 3 or pursuant to any other applicable criminal or civil  
29 laws or rules; or

30 **2. Sale of marijuana or marijuana products prohibited.** Sell or be required to sell  
31 marijuana or marijuana products belonging to, forfeited by or seized from any licensee or  
32 person pursuant to this chapter or chapter 3 or pursuant to any other applicable criminal  
33 or civil laws or rules or that are otherwise in the possession of the agency or department.

34 **§112. Employment policies**

35 Except as otherwise provided in the Maine Medical Use of Marijuana Act, an  
36 employer:

37 **1. Marijuana in workplace.** Is not required to permit or accommodate the use,  
38 consumption, possession, trade, display, transportation, sale or cultivation of marijuana or  
39 marijuana products in the workplace;

40 **2. Workplace policies regarding marijuana use.** May enact and enforce  
41 workplace policies restricting the use of marijuana and marijuana products by employees

1 in the workplace or while otherwise engaged in activities within the course and scope of  
2 employment; and

3 **3. Discipline of employees.** May discipline employees who are under the influence  
4 of marijuana in the workplace or while otherwise engaged in activities within the course  
5 and scope of employment in accordance with the employer's workplace policies regarding  
6 the use of marijuana and marijuana products by employees.

7 **§113. Report to Legislature**

8 **1. Report required.** By February 15, 2020, and annually thereafter, the department  
9 shall submit a report to the joint standing committee of the Legislature having jurisdiction  
10 over adult use marijuana matters as provided in this section.

11 **2. Report contents.** The report required under subsection 1 must, at a minimum,  
12 include the following information:

13 A. The number of applications for each type of license submitted to the department  
14 pursuant to this chapter during the prior calendar year, including, if applicable, the  
15 number of applications for license renewals, and the number of each type of license  
16 conditionally approved by the department during the prior calendar year;

17 B. The total number of each type of active license issued by the department pursuant  
18 to this chapter in the prior calendar year following local authorization of a  
19 conditionally approved licensee;

20 C. The total square footage of plant canopy approved by the department for active  
21 cultivation facilities licensed in the prior calendar year, the percentage of active  
22 cultivation facility licenses by cultivation tier and, if applicable, the number of  
23 approved increases in the maximum plant canopy allowed under a tier 4 cultivation  
24 facility license in the prior calendar year pursuant to section 304;

25 D. The total amount of application fees and license fees collected pursuant to this  
26 chapter and the total amount of the excise and sales tax revenue collected on the sale  
27 of adult use marijuana and adult use marijuana products during the prior calendar  
28 year;

29 E. An overview of current adult use marijuana-related staffing at the department and  
30 the cost to the department to regulate the adult use marijuana industry in the State  
31 during the prior fiscal year and cost projections for the upcoming fiscal year;

32 F. The total reported volume and value of adult use marijuana cultivated and sold by  
33 all cultivation facilities in the prior calendar year, when available;

34 G. The total reported volume and value of adult use marijuana and adult use  
35 marijuana products sold by all marijuana stores in the prior calendar year, when  
36 available;

37 H. The number of inspections of the licensed premises of licensees performed by the  
38 department during the prior calendar year and the results of those inspections,  
39 including, but not limited to, the number of inspections resulting in license violations  
40 and the percentage of all licensees inspected during the prior calendar year;

1 I. The number of license violations committed by licensees during the prior calendar  
2 year and a breakdown of those violations into specific categories based on the type of  
3 violation and the outcome of the violation, including, but not limited to, the total  
4 amount of monetary penalties imposed and collected by the department and the  
5 percentage of total license violations resulting in the imposition of a monetary  
6 penalty, license suspension or license revocation;

7 J. Public health and safety data collected, received or analyzed by the department  
8 pursuant to section 107 in the prior calendar year; and

9 K. Recommendations, including any suggested legislation, to address any issues with  
10 the regulation of the adult use marijuana industry in the State encountered by the  
11 department in the prior calendar year.

12 **3. Authority to report out legislation.** After reviewing the report required under  
13 subsection 1, the joint standing committee of the Legislature having jurisdiction over  
14 adult use marijuana matters may report out legislation to implement any  
15 recommendations contained in the report or to address any other issues identified in the  
16 report.

17 **SUBCHAPTER 2**

18 **GENERAL LICENSING REQUIREMENTS**

19 **§201. License process; license types**

20 The department, upon receipt of an application in the prescribed form that meets all  
21 applicable requirements for licensure under this chapter and the rules adopted pursuant to  
22 this chapter, shall issue to the applicant a conditional license to operate one or more of the  
23 following types of marijuana establishments or shall deny the application in accordance  
24 with section 206:

25 **1. Cultivation facility.** Consistent with the requirements and restrictions of section  
26 205, subsection 2, paragraph A and subchapter 3, a cultivation facility license;

27 **2. Testing facility.** Consistent with the requirements and restrictions of section 205,  
28 subsection 2, paragraph B and section 503, subsection 2, a testing facility license;

29 **3. Products manufacturing facility.** A products manufacturing facility license; or

30 **4. Marijuana store.** Consistent with the restrictions of section 205, subsection 2,  
31 paragraph C, a marijuana store license.

32 Except as provided in section 205, the department may not impose any limitation on  
33 the number of each type of license that it issues to a qualified individual applicant or on  
34 the total number of each type of license that it issues to qualified applicants pursuant to  
35 this chapter.

36 **§202. General licensing criteria**

37 An applicant for a license to operate a marijuana establishment must meet each of the  
38 following requirements, if applicable. Except as otherwise provided in this section, if the  
39 applicant is a business entity, every officer, director, manager and general partner of the

1 business entity must meet each of the requirements of this section. An applicant shall  
2 disclose in or include with its application the names and addresses of the applicant and all  
3 natural persons and business entities having a direct or indirect financial interest in the  
4 applied-for license and the nature and extent of the financial interest held by each person  
5 or entity and, if applicable, the nature and extent of any financial interest the person or  
6 entity has in any other license applied for or issued under this chapter.

7 **1. Age.** The applicant must be at least 21 years of age. If the applicant is a business  
8 entity, every officer, director, manager and general partner of the business entity must be  
9 at least 21 years of age.

10 **2. Resident.** If the applicant is a natural person, the applicant must be a resident. If  
11 the applicant is a business entity:

12 A. Every officer, director, manager and general partner of the business entity must be  
13 a natural person who is a resident; and

14 B. A majority of the shares, membership interests, partnership interests or other  
15 equity ownership interests as applicable to the business entity must be held or owned  
16 by natural persons who are residents or business entities whose owners are all natural  
17 persons who are residents.

18 This subsection does not apply to an applicant for a testing facility license.

19 **3. Incorporated in State.** If the applicant is a business entity, the business entity  
20 must be incorporated in the State or otherwise formed or organized under the laws of the  
21 State.

22 **4. No disqualifying drug offense.** The applicant may not have been previously  
23 convicted of a disqualifying drug offense.

24 **5. Not employee of state agency.** The applicant may not be employed by the  
25 department or any other state agency with regulatory authority under this chapter or the  
26 rules adopted pursuant to this chapter.

27 **6. Not law enforcement officer or corrections officer.** The applicant may not be a  
28 law enforcement officer; a corrections officer as defined in Title 25, section 2801-A,  
29 subsection 2; or any other natural person subject to the certification requirements of Title  
30 25, chapter 341.

31 **7. No license revocation.** The applicant may not have had a license previously  
32 issued under this chapter revoked.

33 **8. No medical registry identification card or registration certificate revocation.**  
34 The applicant may not have had a registry identification card or registration certificate  
35 previously issued pursuant to the Maine Medical Use of Marijuana Act revoked.

36 **9. No revocation of other state marijuana license, permit, certificate or other**  
37 **government-issued authorization.** The applicant may not have had a license, permit,  
38 certificate or other government-issued authorization issued in another jurisdiction  
39 allowing the cultivation, manufacture, testing or sale of marijuana or marijuana products  
40 revoked.

1           **10. No outstanding court-ordered payments.** A license may not be issued to an  
2           applicant that has any outstanding payments due in this State on court-ordered fines,  
3           court-appointed attorney's fees or court-ordered restitution.

4           **11. Criminal history record check.** The applicant must have submitted to a  
5           criminal history record check in accordance with the requirements of section 204.

6           **12. Compliance with application process; no false statement of material fact.**  
7           The applicant must have completed all application forms required by the department fully  
8           and truthfully and complied with all information requests of the department relating to the  
9           license application. A license may not be issued to an applicant that has knowingly or  
10          recklessly made any false statement of material fact to the department in applying for a  
11          license under this chapter. The department shall revoke the license of a licensee pursuant  
12          to subchapter 8 if, subsequent to the issuance of the license, the department determines  
13          that the licensee knowingly or recklessly made a false statement of material fact to the  
14          department in applying for the license.

15           **§203. Additional licensing considerations**

16           An applicant for a license to operate a marijuana establishment shall submit, and the  
17           department shall consider in determining whether to grant the license, the following  
18           additional information. If the applicant is a business entity, the applicant must submit the  
19           information required by this section for every officer, director, manager and general  
20           partner of the business entity.

21           **1. Other convictions.** The applicant shall submit information regarding the  
22           applicant's criminal convictions in this State or in another jurisdiction for any offense  
23           involving dishonesty, deception, misappropriation or fraud. The applicant may submit  
24           and the department shall consider if submitted any information regarding the applicant's  
25           criminal history record, including, but not limited to, evidence of rehabilitation, character  
26           references and educational achievements, with special consideration given to the time  
27           between the applicant's last criminal conviction and the consideration by the department  
28           of the application for licensure.

29           **2. Tax compliance.** The applicant shall submit information regarding:

30           A. The applicant's history of paying income and other taxes owed to the State, to  
31           another jurisdiction, if applicable, and to the United States Internal Revenue Service  
32           over the 2 years immediately preceding the year in which the application is filed; and

33           B. Any outstanding tax liens imposed or levied against the applicant in this State or  
34           in another jurisdiction within the 5 years immediately preceding the year in which the  
35           application is filed.

36           **3. Other state marijuana-related violations or penalties.** If the applicant has held  
37           a license, permit, certificate or other government-issued authorization in another  
38           jurisdiction allowing the cultivation, manufacture, testing or sale of marijuana or  
39           marijuana products, the applicant shall submit information regarding any violations by or  
40           penalties imposed on the applicant in that other jurisdiction.

1 **§204. Criminal history record check**

2 The department shall request a criminal history record check for each applicant for a  
3 license under this chapter and may at any time require a licensee to submit to a criminal  
4 history record check in accordance with this section. If the applicant is a business entity,  
5 every officer, director, manager and general partner of the business entity is required to  
6 submit to a criminal history record check in accordance with this section. A criminal  
7 history record check conducted pursuant to this section must include criminal history  
8 record information obtained from the Maine Criminal Justice Information System  
9 established in Title 16, section 631 and the Federal Bureau of Investigation.

10 **1. Record of public criminal history information required.** Criminal history  
11 record information obtained from the Maine Criminal Justice Information System  
12 pursuant to this section must include a record of public criminal history record  
13 information as defined in Title 16, section 703, subsection 8.

14 **2. Other state and national criminal history record information required.**  
15 Criminal history record information obtained from the Federal Bureau of Investigation  
16 pursuant to this section must include other state and national criminal history record  
17 information.

18 **3. Fingerprinting.** An individual required to submit to a criminal history record  
19 check under this section shall submit to having the individual's fingerprints taken. The  
20 State Police, upon payment by the individual of the fee required under subsection 4, shall  
21 take or cause to be taken the individual's fingerprints and shall forward the fingerprints to  
22 the Department of Public Safety, Bureau of State Police, State Bureau of Identification.  
23 The State Bureau of Identification shall conduct the state and national criminal history  
24 record checks required under this section. Except for the portion of a payment, if any,  
25 that constitutes the processing fee for a criminal history record check charged by the  
26 Federal Bureau of Investigation, all money received by the State Police under this section  
27 must be paid to the Treasurer of State, who shall apply the money to the expenses  
28 incurred by the Department of Public Safety in the administration of this section.

29 **4. Fees.** The department shall by rule set the amount of the fee to be paid by an  
30 individual under subsection 3 for each criminal history record check required to be  
31 performed under this section.

32 **5. Availability of criminal history record information.** The subject of a Federal  
33 Bureau of Investigation criminal history record check may obtain a copy of the criminal  
34 history record check by following the procedures outlined in 28 Code of Federal  
35 Regulations, Sections 16.32 and 16.33. The subject of a state criminal history record  
36 check may inspect and review the criminal history record information pursuant to Title  
37 16, section 709.

38 **6. Use of criminal history record information.** State and national criminal history  
39 record information obtained by the department under this section may be used only for  
40 the purpose of screening an applicant for a license or a licensee under this chapter or as  
41 necessary for the issuance of an individual identification card under section 106.

42 **7. Confidentiality.** All criminal history record information obtained by the  
43 department pursuant to this section is confidential, is for the official use of the department

1 only and may not be disseminated outside of the department or disclosed to any other  
2 person or entity except as provided in subsection 5.

3 **8. Rules.** The department, after consultation with the Department of Public Safety,  
4 Bureau of State Police, State Bureau of Identification, shall adopt rules to implement this  
5 section.

6 **§205. Application process; issuance of license**

7 **1. Forms; payment of fees.** An applicant shall file an application on forms prepared  
8 and furnished by the department for the type of license sought along with the appropriate  
9 application fee as determined by the department pursuant to section 207.

10 **2. Applications for multiple licenses.** An applicant may apply for and be granted  
11 multiple licenses of any license type under this chapter, except that:

12 A. If the applicant has applied for the issuance or renewal of a cultivation facility  
13 license, the issuance or renewal of the cultivation facility license may not result in the  
14 applicant or a person with a direct or indirect financial interest in that license holding  
15 or having a direct or indirect financial interest in:

16 (1) More than 3 cultivation facility licenses; or

17 (2) Multiple cultivation facility licenses with a combined total licensed amount  
18 of plant canopy exceeding 30,000 square feet, except when that exceedance is  
19 solely attributable to approved increases in the maximum licensed area of plant  
20 canopy authorized under a tier 4 cultivation facility license pursuant to section  
21 304;

22 B. If the applicant has applied for the issuance or renewal of a testing facility license,  
23 the applicant may not be a primary caregiver or registered primary caregiver or have  
24 an interest in a registered dispensary, a cultivation facility license, a products  
25 manufacturing facility license or a marijuana store license. If the applicant has  
26 applied for the issuance or renewal of any license under this chapter that is not a  
27 testing facility license, the applicant may not have an interest in a testing facility  
28 license. An applicant that meets the requirements for the issuance of a testing facility  
29 license under this chapter and the requirements of this paragraph may apply for and  
30 be issued multiple testing facility licenses. For purposes of this paragraph, "interest"  
31 means an equity ownership interest or a partial equity ownership interest or any other  
32 type of financial interest, including, but not limited to, being an investor or serving in  
33 a management position; and

34 C. If the applicant has applied for the issuance or renewal of a marijuana store  
35 license, the issuance or renewal of the marijuana store license may not result in the  
36 applicant or a person with a direct or indirect financial interest in that license holding  
37 or having a direct or indirect financial interest in more than 4 marijuana store  
38 licenses.

39 This paragraph is repealed January 1, 2022.

40 **3. Issuance of conditional license.** Within 90 days of receipt of an application for a  
41 license to operate a marijuana establishment or for renewal of an existing license to  
42 operate a marijuana establishment, the department either shall issue to the applicant a

1 conditional license to operate the marijuana establishment if the applicant meets all  
2 applicable requirements for licensure under this chapter and the rules adopted pursuant to  
3 this chapter or shall deny the application in accordance with section 206.

4 A. A licensee that has been issued a conditional license by the department may not  
5 engage in the cultivation, manufacture, testing or sale of adult use marijuana or adult  
6 use marijuana products until the department has issued an active license to the  
7 licensee pursuant to subsection 4.

8 B. A conditional license issued by the department pursuant to this subsection is  
9 effective for a period of one year from the date of issuance and may not be renewed.  
10 If a licensee issued a conditional license by the department fails to obtain an active  
11 license from the department pursuant to subsection 4 within one year from the date of  
12 issuance of the conditional license, the conditional license expires.

13 **4. Issuance of active license upon certification of local authorization and**  
14 **payment of applicable license fee.** The department shall issue an active license to an  
15 applicant that has been issued a conditional license pursuant to subsection 3 and that  
16 meets all applicable requirements of this subsection.

17 A. Within 10 days of receiving certification of local authorization from a  
18 municipality as required by section 402, subsection 3, paragraph B or, in the case of a  
19 marijuana establishment to be located in the unorganized and deorganized areas, from  
20 the Maine Land Use Planning Commission as required by section 403, subsection 3,  
21 paragraphs B and C, the department shall notify the applicant that certification of  
22 local authorization has been confirmed and that, in order for the department to issue  
23 an active license, the applicant must:

24 (1) Pay the applicable license fee required pursuant to section 207;

25 (2) Submit a facility plan that specifies the location, size and layout of the  
26 marijuana establishment within the municipality or, in the case of a marijuana  
27 establishment to be located in the unorganized and deorganized areas, within the  
28 town, plantation or township in which the marijuana establishment will be  
29 located;

30 (3) If the application is for a license to operate a cultivation facility, submit  
31 updated operating and cultivation plans as required under section 302 based upon  
32 the actual premises to be licensed, except that, if no changes to the original  
33 operating and cultivation plans submitted by the applicant are necessary based  
34 upon the actual premises to be licensed, then the applicant may satisfy this  
35 requirement by resubmitting the original operating and cultivation plans and  
36 noting on those plans that no changes are necessary; and

37 (4) If the application is for a license to operate a nursery cultivation facility, as  
38 described in section 301, subsection 5, or a marijuana store, register with the  
39 State Tax Assessor pursuant to Title 36, section 1754-B to collect and remit the  
40 sales tax on the sale of adult use marijuana and adult use marijuana products  
41 imposed under Title 36, section 1811.

42 B. The department shall prepare and furnish to applicants, municipalities and the  
43 Maine Land Use Planning Commission a certification form by which the

1            municipality may certify to the department that the applicant has obtained local  
2            authorization as required by section 402, subsection 3, paragraph B or, in the case of  
3            a marijuana establishment to be located in the unorganized and deorganized areas, the  
4            Maine Land Use Planning Commission may certify to the department that the  
5            applicant has obtained local authorization as required by section 403, subsection 3,  
6            paragraphs B and C.

7            C. Upon receipt of payment of the applicable license fee and any other  
8            documentation required under paragraph A, the department shall issue an active  
9            license to the applicant. The license must specify the date of issuance of the license,  
10           the period of licensure, the date of expiration of the license, the name of the licensee  
11           and the address of the licensed premises.

12           **5. Each license separate.** Each license issued by the department to an applicant  
13           under this chapter is separate and distinct from any other license issued by the department  
14           to that same applicant under this chapter. A person must obtain a separate license under  
15           this chapter for each proposed geographical location of any type of marijuana  
16           establishment.

17           **6. Licensee must maintain possession of premises.** As a condition of licensure, a  
18           licensee must at all times maintain possession of the licensed premises of the marijuana  
19           establishment that the licensee is licensed to operate, whether pursuant to a lease, rental  
20           agreement or other arrangement for possession of the premises or by virtue of ownership  
21           of the premises. If a licensee fails to maintain possession of the licensed premises, the  
22           licensee shall immediately cease all activities relating to the operation of the marijuana  
23           establishment and may apply to the department for relocation of the licensed premises  
24           pursuant to section 211 or may terminate its license pursuant to section 212.

25           **§206. Denial of license**

26           **1. Denial for good cause.** The department, for good cause, may deny an application  
27           for an initial license, a license renewal, a transfer of ownership interests or a relocation of  
28           licensed premises. Denial of an application by the department pursuant to this section  
29           constitutes a final agency action as defined in Title 5, section 8002, subsection 4.

30           **2. Good cause defined.** As used in this section, "good cause" means a finding by  
31           the department that:

32           A. An applicant or licensee has violated, does not meet or has failed to comply with  
33           any of the terms, conditions or provisions of this chapter, the rules adopted pursuant  
34           to this chapter or any other applicable state or local law, rule or regulation; or

35           B. An applicant or licensee has failed to comply with any special terms, consent  
36           decree or conditions placed upon the previously issued license pursuant to an order of  
37           the department; the municipality in which the licensed premises are located; the town  
38           or plantation in the unorganized and deorganized areas in which the licensed  
39           premises are located; in the case of a township in the unorganized and deorganized  
40           areas in which the licensed premises are located, the county commissioners of the  
41           county in which the township is located; or, in the case of a marijuana establishment  
42           located in the unorganized and deorganized areas, the Maine Land Use Planning  
43           Commission.

1           **3. Notification of denial and right to appeal.** Upon the department's determination  
2 to deny a license application, the department shall notify the applicant in writing of the  
3 denial, the basis for the denial and the applicant's right to appeal the denial to the Superior  
4 Court in accordance with Rule 80C of the Maine Rules of Civil Procedure.

5           **§207. Application fees; license fees**

6           The department, in accordance with the provisions of this section, shall adopt by rule  
7 a licensing fee schedule establishing fees that are designed to meet, but not to exceed, the  
8 estimated licensing, enforcement and administrative costs of the department under this  
9 chapter.

10           **1. Fees for cultivation facilities.** For a cultivation facility license, the department  
11 shall require payment of an application fee and a license fee as follows:

12           A. For a tier 1 cultivation facility license, as described in section 301, subsection 1,  
13 an application fee of \$100 and a license fee as follows:

14                   (1) If the applicant has applied for a plant-count-based tier 1 cultivation facility  
15 license as described in section 301, subsection 1, paragraph A, a license fee of  
16 not more than \$9 per mature marijuana plant for an outdoor cultivation facility  
17 and not more than \$17 per mature marijuana plant for an indoor cultivation  
18 facility or a cultivation facility with both indoor and outdoor cultivation areas; or

19                   (2) If the applicant has applied for a plant-canopy-based tier 1 cultivation facility  
20 license as described in section 301, subsection 1, paragraph B, a license fee of not  
21 more than \$250 for an outdoor cultivation facility and not more than \$500 for an  
22 indoor cultivation facility or a cultivation facility with both indoor and outdoor  
23 cultivation areas;

24           B. For a tier 2 cultivation facility license, as described in section 301, subsection 2,  
25 an application fee of \$500 and a license fee of not more than \$1,500 for an outdoor  
26 cultivation facility and not more than \$3,000 for an indoor cultivation facility or a  
27 cultivation facility with both indoor and outdoor cultivation areas;

28           C. For a tier 3 cultivation facility license, as described in section 301, subsection 3,  
29 an application fee of \$500 and a license fee of not more than \$5,000 for an outdoor  
30 cultivation facility and not more than \$10,000 for an indoor cultivation facility or a  
31 cultivation facility with both indoor and outdoor cultivation areas;

32           D. For a tier 4 cultivation facility license, as described in section 301, subsection 4,  
33 an application fee of \$500 and a license fee of not more than \$15,000 for an outdoor  
34 cultivation facility and not more than \$30,000 for an indoor cultivation facility or a  
35 cultivation facility with both indoor and outdoor cultivation areas, except that, for a  
36 tier 4 cultivation facility license for which an increased amount of licensed plant  
37 canopy has been approved by the department pursuant to section 304, for each  
38 approved increase in the amount of licensed plant canopy, the department may  
39 increase the maximum license fee by not more than \$5,000 for an outdoor cultivation  
40 facility and by not more than \$10,000 for an indoor cultivation facility or a  
41 cultivation facility with both indoor and outdoor cultivation areas; and

1 E. For a nursery cultivation facility license, as described in section 301, subsection 5,  
2 an application fee of \$60 and a license fee of \$350.

3 **2. Fees for products manufacturing facilities and marijuana stores.** For a  
4 products manufacturing facility license or a marijuana store license, the department shall  
5 require payment of an application fee of \$250 and a license fee of not more than \$2,500.

6 **3. Fees for testing facilities.** For a testing facility license, the department shall  
7 require payment of an application fee of \$250 and a license fee of not more than \$1,000.

8 **4. Payment of fees; fees to be deposited into Adult Use Marijuana Regulatory**  
9 **Coordination Fund.** An applicant shall pay the application fee required by the  
10 department at the time that the applicant submits an application for licensure to the  
11 department for processing. An applicant shall pay the license fee required by the  
12 department in accordance with section 205, subsection 4. All fees collected by the  
13 department pursuant to this section must be deposited into the Adult Use Marijuana  
14 Regulatory Coordination Fund established in section 1102.

15 **5. Return of fees prohibited.** The department may not return to an applicant or  
16 licensee or reimburse an applicant or licensee for any portion of an application or license  
17 fee paid by the applicant or licensee, regardless of whether the applicant withdraws its  
18 application prior to a final decision of the department on the application, the licensee  
19 voluntarily terminates its license pursuant to section 212 or the department suspends or  
20 revokes the licensee's license in accordance with the provisions of subchapter 8.

21 **§208. License term**

22 An active license issued by the department pursuant to section 205, subsection 4 is  
23 effective for a period of one year from the date of issuance and may be renewed pursuant  
24 to section 209.

25 **§209. License renewal**

26 **1. Notification of expiration date.** Ninety days prior to the expiration of an existing  
27 license issued under section 205, subsection 4, the department shall notify the licensee of  
28 the expiration date and the opportunity for renewal. Except as otherwise provided in this  
29 section, a licensee seeking to renew an existing license must file an application for  
30 renewal with the department, on forms prepared and furnished by the department, not less  
31 than 30 days prior to the date of expiration of the license.

32 **2. Extension for good cause shown; late applications.** Notwithstanding subsection  
33 1, the department may for good cause shown accept an application for renewal of an  
34 existing license less than 30 days prior to the date of expiration of the license upon the  
35 payment of a late application fee to the department. The department may not accept an  
36 application for renewal of a license after the date of expiration of that license.

37 **3. Operation under expired license.** A licensee that files an application for renewal  
38 of its existing license and pays all required fees under this section prior to the expiration  
39 of the license may continue to operate the marijuana establishment under that license  
40 notwithstanding its expiration until such time as the department takes final action on the  
41 renewal application, except when the department suspends or revokes the license in

1 accordance with the provisions of subchapter 8 prior to taking final action on the renewal  
2 application.

3 **4. Expired license; cessation of activity and forfeiture of marijuana and**  
4 **marijuana products.** Except as provided in subsection 3, a person whose license has  
5 expired shall immediately cease all activities relating to the operation of the marijuana  
6 establishment previously authorized under that license and ensure that all adult use  
7 marijuana and adult use marijuana products cultivated, manufactured or otherwise in the  
8 possession of the person pursuant to that license are forfeited to the department for  
9 destruction in accordance with section 803.

10 **5. Renewal application process; fees; rules.** An applicant seeking renewal of a  
11 license to operate a marijuana establishment must pay to the department a renewal  
12 application fee or, if applicable, a late renewal application fee, and must demonstrate  
13 continued compliance with all applicable licensing criteria under this chapter, including,  
14 but not limited to, obtaining local authorization as required by section 402, subsection 3,  
15 paragraph B or, in the case of a marijuana establishment located in the unorganized and  
16 deorganized areas, as required by section 403, subsection 3, paragraphs B and C, except  
17 that an applicant seeking renewal of a license is not required to submit to a criminal  
18 history record check under section 204 unless specifically required to do so by the  
19 department.

20 A. The department may not issue an active license to a licensee seeking renewal of a  
21 license until the licensee obtains local authorization as required by section 402,  
22 subsection 3, paragraph B or, in the case of a marijuana establishment located in the  
23 unorganized and deorganized areas, as required by section 403, subsection 3,  
24 paragraphs B and C, pays the applicable license fee required under section 207 and  
25 meets all other applicable requirements for the issuance of an active license under  
26 section 205, subsection 4.

27 B. The department shall by rule set forth requirements for the submission, processing  
28 and approval of a renewal application, which must include, but are not limited to,  
29 setting of a reasonable renewal application fee and a reasonable late renewal  
30 application fee.

31 **§210. Transfer of ownership interests**

32 **1. Transfer application.** A licensee may apply to the department, on forms  
33 prepared and furnished by the department, for approval to transfer ownership interests in  
34 the license, including, but not limited to, a transfer of only a portion of the ownership  
35 interests in the license.

36 **2. Compliance with licensure requirements; rules.** A person seeking to assume an  
37 ownership interest in a license pursuant to this section must demonstrate to the  
38 department compliance with all applicable requirements for licensure under this chapter  
39 and the rules adopted under this chapter. The department shall by rule adopt  
40 requirements for the submission of a license transfer application and standards for the  
41 approval of a license transfer application, including, but not limited to, provisions relating  
42 to local authorization of a transfer of ownership interests in a license.

1 **§211. Relocation of licensed premises**

2 **1. Relocation application.** A licensee may apply to the department, on forms  
3 prepared and furnished by the department, for approval to relocate the licensed premises  
4 of the marijuana establishment that the licensee is licensed to operate.

5 **2. Local authorization required.** The department shall, within 10 days of receiving  
6 certification of local authorization pursuant to section 402, subsection 3, paragraph B  
7 from the municipality in which the relocated licensed premises are to be located or  
8 pursuant to section 403, subsection 3, paragraphs B and C from the Maine Land Use  
9 Planning Commission if the relocated licensed premises are to be located in the  
10 unorganized and deorganized areas, notify the licensee that local authorization has been  
11 confirmed for the relocation and that the licensee may proceed with relocation, and the  
12 department shall issue to the licensee an updated license specifying the address of the  
13 new premises.

14 **3. Effect on license term.** A relocation of licensed premises pursuant to this section  
15 does not extend or otherwise modify the license term of the license subject to relocation.

16 **4. Rules.** The department shall by rule adopt requirements for the submission of a  
17 license relocation application and standards for the approval of a relocation application.

18 **§212. Termination of license**

19 **1. Notification of termination required.** A licensee may not permanently abandon  
20 the licensed premises of the licensee or otherwise permanently cease all activities relating  
21 to the operation of the marijuana establishment under its license, whether voluntarily or  
22 pursuant to a license revocation in accordance with subchapter 8, without notifying the  
23 department and the municipality in which the licensed premises are located at least 48  
24 hours in advance of the abandonment or termination.

25 **2. Forfeiture and destruction of marijuana and marijuana products.** Prior to  
26 abandoning the licensed premises of the licensee or terminating operations, a licensee  
27 shall provide the department and the municipality in which the licensed premises are  
28 located with a full accounting of all adult use marijuana and adult use marijuana products  
29 located within the licensed premises and forfeit the marijuana and marijuana products to  
30 the department for destruction in accordance with section 803.

31 For the purposes of this section, "municipality" means, in the case of a marijuana  
32 establishment not located in the unorganized and deorganized areas, the city, town or  
33 plantation in which the marijuana establishment is located; or, in the case of a marijuana  
34 establishment located in the unorganized and deorganized areas, the Maine Land Use  
35 Planning Commission and the town or plantation in which the marijuana establishment is  
36 located or, in the case of a marijuana establishment located in a township, the county  
37 commissioners of the county in which the township is located.

38 **§213. Notice of new owner, officer, manager or employee**

39 Before any proposed new owner, officer, manager or employee may own, manage,  
40 work for or otherwise associate with a licensee, the licensee shall notify the department in  
41 writing of the name, address and date of birth of the proposed new owner, officer,  
42 manager or employee and the proposed new owner, officer, manager or employee shall

1 submit to a criminal history record check pursuant to section 204, obtain an individual  
2 identification card pursuant to section 106 and, in the case of a new owner or other person  
3 assuming an equity ownership interest or a partial equity ownership interest in the license,  
4 obtain approval for the transfer of ownership interests pursuant to section 210.

5 **§214. Inactive licenses**

6 The department may revoke or refuse to renew any license if it determines that the  
7 licensed premises have been inactive without reasonable justification for a period of one  
8 year or more.

9 **§215. Notification to municipality; sharing of information with Bureau of Revenue**  
10 **Services**

11 The department shall notify a municipality within 14 days of the date the department  
12 approves, renews, denies, suspends or revokes the license of a licensee whose licensed  
13 premises are located or proposed to be located in the municipality; imposes a monetary  
14 penalty on a licensee located within the municipality; approves relocation of the licensed  
15 premises of a marijuana establishment to or from the municipality; or approves a transfer  
16 of ownership interest in a license with respect to which the licensed premises are located  
17 within the municipality.

18 The department shall provide the Bureau of Revenue Services with the same  
19 information provided to a municipality under this section at the time that the department  
20 notifies the municipality.

21 For the purposes of this section, "municipality" has the same meaning as in section  
22 212.

23 **SUBCHAPTER 3**

24 **LICENSING REQUIREMENTS FOR CULTIVATION FACILITIES**

25 **§301. Cultivation facility license types**

26 Subject to the requirements and restrictions of this subchapter and the requirements  
27 of subchapter 2, the department may issue to an applicant any of the following types of  
28 cultivation facility licenses:

29 **1. Tier 1 cultivation facility license.** A tier 1 cultivation facility license, which  
30 allows cultivation by a licensee of:

31 A. Not more than 30 mature marijuana plants and an unlimited number of immature  
32 marijuana plants and seedlings; or

33 B. Not more than 500 square feet of plant canopy.

34 An applicant for a tier 1 cultivation facility license shall designate in its cultivation plan  
35 whether the license sought is a plant-count-based tier 1 cultivation facility license under  
36 paragraph A or a plant-canopy-based tier 1 cultivation facility license under paragraph B.

37 **2. Tier 2 cultivation facility license.** A tier 2 cultivation facility license, which  
38 allows cultivation by a licensee of not more than 2,000 square feet of plant canopy;

1           **3. Tier 3 cultivation facility license.** A tier 3 cultivation facility license, which  
2 allows cultivation by a licensee of not more than 7,000 square feet of plant canopy;

3           **4. Tier 4 cultivation facility license.** A tier 4 cultivation facility license, which  
4 allows cultivation by a licensee of not more than 20,000 square feet of plant canopy,  
5 except as provided in section 304; or

6           **5. Nursery cultivation facility license.** A nursery cultivation facility license, which  
7 allows cultivation by a licensee of not more than 1,000 square feet of plant canopy,  
8 subject to the requirements and restrictions of section 501, subsection 3.

9           **§302. Additional information required for application for cultivation facility license**

10           In addition to the information required to be submitted to the department pursuant to  
11 subchapter 2 and the rules relating to licensure of a cultivation facility adopted pursuant  
12 to this chapter, an applicant for a cultivation facility license shall submit to the  
13 department the following information.

14           **1. Operating plan.** The applicant shall submit an operating plan demonstrating the  
15 proposed size and layout of the cultivation facility; plans for wastewater and waste  
16 disposal for the cultivation facility; plans for providing electricity, water and other  
17 utilities necessary for the normal operation of the cultivation facility; plans for securing  
18 the proposed facility and otherwise meeting applicable security requirements under this  
19 chapter and the rules adopted pursuant to this chapter; and plans for compliance with  
20 applicable building code and federal and state environmental requirements.

21           **2. Cultivation plan.** The applicant shall submit a cultivation plan demonstrating the  
22 proposed size and layout of the cultivation areas at the cultivation facility and  
23 designating:

24           A. The total amount of plant canopy or, in the case of a plant-count-based tier 1  
25 cultivation facility license, the number of mature marijuana plants proposed under the  
26 license;

27           B. The total percentage or square footage of plant canopy designated under  
28 paragraph A, or, in the case of a plant-count-based tier 1 cultivation facility license,  
29 the areas within the cultivation facility within which the applicant proposes to  
30 cultivate mother plants, seedlings and immature marijuana plants. If the applicant  
31 does not intend to cultivate mother plants, seedlings or immature marijuana plants at  
32 any time within any portion of the plant canopy designated under paragraph A, the  
33 applicant shall state that intent on the cultivation plan and shall include in the plan  
34 information regarding the approximate square footage of the cultivation areas outside  
35 of the plant canopy but within the proposed licensed premises of the cultivation  
36 facility in which the applicant intends to cultivate mother plants, seedlings and  
37 immature marijuana plants; and

38           C. The total percentage or square footage of plant canopy designated under  
39 paragraph A, or, in the case of a plant-count-based tier 1 cultivation facility license,  
40 the areas within the cultivation facility, within which the applicant proposes to  
41 cultivate mature marijuana plants. An applicant for a nursery cultivation facility  
42 license shall meet the requirements of this paragraph by designating on the  
43 cultivation plan the areas within the cultivation facility within which the applicant

1 proposes to cultivate mature marijuana plants, demonstrating the physical separation  
2 of such areas from the areas in which immature marijuana plants and seedlings are to  
3 be cultivated in accordance with section 501, subsection 3, paragraph B.

4 **§303. Increase in cultivation tier upon renewal**

5 A licensee seeking renewal of a cultivation facility license may, if applicable and in  
6 accordance with this section, apply for a tier of cultivation facility license with a greater  
7 area of authorized plant canopy than is authorized under the licensee's current cultivation  
8 facility license.

9 **1. Approval criteria.** The department may issue the applied-for tier of cultivation  
10 facility license if the licensee otherwise meets all applicable requirements for continued  
11 licensure under this chapter and the rules adopted pursuant to this chapter and the licensee  
12 has demonstrated to the department's satisfaction that:

13 A. The licensee has over the current period of licensure sold at least 85% of the adult  
14 use marijuana cultivated by the licensee at its cultivation facility; and

15 B. The approval of the applied-for tier of cultivation facility license will not cause  
16 the licensee to exceed the combined plant canopy limitation in section 205,  
17 subsection 2, paragraph A.

18 **2. Consideration of renewal of current license tier if approval criteria not met.**  
19 If the department determines that the licensee has failed to satisfy the requirements of this  
20 section for the applied-for tier of cultivation facility license, the department shall consider  
21 renewing the licensee's license at the current tier.

22 This section does not apply to a nursery cultivation facility licensee.

23 **§304. Increase in maximum licensed plant canopy upon renewal of tier 4 license**

24 In accordance with the requirements of this section, not more than once every 2  
25 years, a licensee seeking renewal of a tier 4 cultivation facility license may apply to  
26 increase by 7,000 square feet the maximum area of plant canopy authorized under its  
27 current tier 4 cultivation facility license.

28 **1. Approval criteria.** The department may approve the requested increase if the  
29 licensee otherwise meets all applicable requirements for continued licensure under this  
30 chapter and the rules adopted pursuant to this chapter and the licensee has demonstrated  
31 to the department's satisfaction that the licensee has over the past 2-year period of  
32 licensure sold at least 85% of the adult use marijuana cultivated by the licensee at its  
33 cultivation facility.

34 **2. Consideration of renewal of current licensed amount of plant canopy if**  
35 **approval criteria not met.** If the department determines that the licensee has failed to  
36 satisfy the requirements of this section for the requested increase, the department shall  
37 consider renewing the licensee's license at the current tier and currently authorized  
38 maximum area of plant canopy.

39 **SUBCHAPTER 4**

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**LOCAL REGULATION OF MARIJUANA ESTABLISHMENTS**

**§401. Municipal regulation of marijuana establishments generally**

In accordance with the applicable provisions of this subchapter and pursuant to the home rule authority granted under the Constitution of Maine, Article VIII, Part Second and Title 30-A, section 3001, a municipality may regulate marijuana establishments within the municipality, including, but not limited to, adoption of the following types of regulations and restrictions.

**1. Land use regulations.** A municipality may adopt an ordinance providing land use regulations applicable to marijuana establishments within the municipality.

**2. General authorization or limitation of marijuana establishments.** A municipality may adopt an ordinance generally authorizing the operation of some or all types of marijuana establishments within the municipality. A municipality may adopt an ordinance limiting the number of any type of marijuana establishment that may be authorized to operate within the municipality.

**3. Municipal licensing requirements.** A municipality may adopt an ordinance providing licensing requirements applicable to marijuana establishments within the municipality, which may include, but are not limited to, provisions establishing a municipal licensing fee schedule pursuant to Title 30-A, section 3702.

Notwithstanding any other provision of law to the contrary, a municipal ordinance regulating marijuana establishments within the municipality adopted pursuant to this subchapter is not subject to the requirements or limitations of Title 7, chapter 6 or 8-F.

**§402. Local authorization of marijuana establishments within municipalities**

**1. Request for local authorization to operate marijuana establishment in municipality prohibited unless authorized by municipal ordinance or warrant article.** A person seeking to operate a marijuana establishment within a municipality may not request local authorization to operate the marijuana establishment pursuant to subsection 3 and a municipality may not accept as complete the person's request for local authorization unless:

A. The legislative body of the municipality has voted to adopt a new ordinance, amend an existing ordinance or approve a warrant article allowing some or all types of marijuana establishments within the municipality, including the type of marijuana establishment the person seeks to operate; and

B. The person has been issued by the department a conditional license to operate the marijuana establishment pursuant to section 205, subsection 3.

**2. Minimum authorization criteria.** A municipality may not authorize the operation of a marijuana establishment within the municipality if:

A. The marijuana establishment is proposed to be located within 1,000 feet of the property line of a preexisting public or private school, except that, if a municipality by ordinance or other regulation prohibits the location of marijuana establishments at distances less than 1,000 feet but not less than 500 feet from the property line of a preexisting public or private school, that lesser distance applies. For the purposes of

1 this paragraph, "school" includes a public school, as defined in Title 20-A, section 1,  
2 subsection 24, a private school, as defined in Title 20-A, section 1, subsection 22, a  
3 public preschool program, as defined in Title 20-A, section 1, subsection 23-A or any  
4 other educational facility that serves children from prekindergarten to grade 12; or

5 B. The person requesting local authorization to operate the marijuana establishment  
6 fails to demonstrate possession or entitlement to possession of the proposed licensed  
7 premises of the marijuana establishment pursuant to a lease, rental agreement or other  
8 arrangement for possession of the premises or by virtue of ownership of the premises.

9 **3. Local authorization required for operation of marijuana establishment**  
10 **within municipality.** A person may not operate a marijuana establishment within a  
11 municipality unless:

12 A. The legislative body of the municipality has voted to adopt a new ordinance,  
13 amend an existing ordinance or approve a warrant article allowing some or all types  
14 of marijuana establishments within the municipality, including that type of marijuana  
15 establishment;

16 B. The person has obtained all applicable municipal approvals, permits or licenses  
17 that are required by the municipality for the operation of that type of marijuana  
18 establishment; and

19 C. The person has been issued by the department an active license to operate the  
20 marijuana establishment pursuant to section 205, subsection 4.

21 A municipality may certify to the department a person's compliance with the  
22 requirements of paragraph B on the form prepared and furnished by the department  
23 pursuant to section 205, subsection 4, paragraph B.

24 **4. Municipal failure to act on request for local authorization.** If a municipality  
25 whose legislative body has voted to adopt a new ordinance, amend an existing ordinance  
26 or approve a warrant article allowing some or all types of marijuana establishments  
27 within the municipality fails to act on a person's request for local authorization to operate  
28 a marijuana establishment within the municipality, the municipality's failure to act does  
29 not satisfy the local authorization requirement of subsection 3, paragraph B.

30 **5. Appeal of municipal failure to act on request for local authorization.** If a  
31 municipality whose legislative body has voted to adopt a new ordinance, amend an  
32 existing ordinance or approve a warrant article allowing some or all types of marijuana  
33 establishments within the municipality fails to act on a person's request for local  
34 authorization to operate a marijuana establishment within the municipality within 90 days  
35 after the date the person submitted the request to the municipality, the request is deemed  
36 denied and the denial constitutes a final government action that may be appealed to the  
37 Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure,  
38 except that, if the municipality notifies the person in writing prior to the expiration of the  
39 90-day period that the request cannot be processed prior to the expiration of the 90-day  
40 period, the request is deemed denied and the denial constitutes a final government action  
41 only if the municipality fails to act on the request within 180 days after the date the  
42 person submitted the request to the municipality.

1 **§403. Local authorization of marijuana establishments within towns, plantations**  
2 **and townships in the unorganized and deorganized areas**

3 **1. Request for local authorization to operate marijuana establishment in town,**  
4 **plantation or township in unorganized and deorganized areas prohibited unless**  
5 **generally allowed by town or plantation or by county commissioners on behalf of**  
6 **township.** A person seeking to operate a marijuana establishment within a town,  
7 plantation or township located within the unorganized and deorganized areas may not  
8 request local authorization pursuant to subsection 3 to operate the marijuana  
9 establishment and the town, plantation or, in the case of a township, the county  
10 commissioners of the county in which the township is located may not accept as complete  
11 the person's request for local authorization unless:

12 A. In the case of a town or plantation, the legislative body of the town or plantation  
13 has voted to allow some or all types of marijuana establishments within the town or  
14 plantation, including the type of marijuana establishment the person seeks to operate  
15 and the person has been issued by the department a conditional license to operate the  
16 marijuana establishment pursuant to section 205, subsection 3; or

17 B. In the case of a township, the county commissioners of the county in which the  
18 township is located have voted to allow some or all types of marijuana establishments  
19 within the township, including the type of marijuana establishment the person seeks  
20 to operate and the person has been issued by the department a conditional license to  
21 operate the marijuana establishment pursuant to section 205, subsection 3.

22 **2. Minimum authorization criteria.** The Maine Land Use Planning Commission  
23 may not certify to the department local authorization of a marijuana establishment within  
24 a town, plantation or township located within the unorganized and deorganized areas  
25 pursuant to subsection 3 if:

26 A. The marijuana establishment is proposed to be located within 1,000 feet of the  
27 property line of a preexisting public or private school, except that, if the Maine Land  
28 Use Planning Commission prohibits the location of marijuana establishments within a  
29 town, plantation or township at distances less than 1,000 feet but not less than 500  
30 feet from the property line of a preexisting public or private school, that lesser  
31 distance applies. For the purposes of this paragraph, "school" has the same meaning  
32 as in section 402, subsection 2, paragraph A; or

33 B. The person requesting local authorization to operate the marijuana establishment  
34 fails to demonstrate possession or entitlement to possession of the proposed licensed  
35 premises of the marijuana establishment pursuant to a lease, rental agreement or other  
36 arrangement for possession of the premises or by virtue of ownership of the premises.

37 **3. Local authorization required for operation of marijuana establishment in**  
38 **town, plantation or township in unorganized and deorganized areas.** A person may  
39 not operate a marijuana establishment within a town, plantation or township located  
40 within the unorganized and deorganized areas unless:

41 A. The legislative body of the town or plantation has voted to allow some or all types  
42 of marijuana establishments within the town or plantation, including that type of  
43 marijuana establishment, or, in the case of a township, the county commissioners of  
44 the county in which the township is located have voted to allow some or all types of

1 marijuana establishments within the township, including that type of marijuana  
2 establishment;

3 B. The person has obtained all applicable local approvals, permits or licenses not  
4 relating to land use planning and development that are required for the operation of  
5 the marijuana establishment by the town, plantation or, in the case of a township, the  
6 county commissioners of the county in which the township is located;

7 C. The person has obtained all applicable approvals, permits or licenses relating to  
8 land use planning and development that are required by the Maine Land Use Planning  
9 Commission for the development and operation of the marijuana establishment; and

10 D. The person has been issued by the department an active license to operate the  
11 marijuana establishment pursuant to section 205, subsection 4.

12 The town, plantation or, in the case of a township, the county commissioners of the  
13 county in which the township is located, shall certify to the Maine Land Use Planning  
14 Commission that the person has obtained all applicable local approvals, permits or  
15 licenses not relating to land use planning and development as required under paragraph B.  
16 The Maine Land Use Planning Commission may certify to the department a person's  
17 compliance with the requirements of paragraphs B and C on the form prepared and  
18 furnished by the department pursuant to section 205, subsection 4, paragraph B.

19 **4. Failure to act on request for local authorization.** This subsection governs a  
20 failure to act on a request for local authorization by a town or a plantation or, in the case  
21 of a township, by the county commissioners of the county in which the township is  
22 located, or by the Maine Land Use Planning Commission.

23 A. If a town or plantation whose legislative body has voted to allow some or all  
24 types of marijuana establishments within the town or plantation fails to act on a  
25 person's request for local authorization under subsection 3, paragraph B, the town or  
26 plantation's failure to act does not satisfy the local authorization requirement of  
27 subsection 3, paragraph B.

28 B. If the county commissioners of the county in which a township is located, who  
29 have voted to allow some or all types of marijuana establishments within the  
30 township, fail to act on a person's request for local authorization under subsection 3,  
31 paragraph B, the county commissioners' failure to act does not satisfy the local  
32 authorization requirement of subsection 3, paragraph B.

33 C. If the Maine Land Use Planning Commission fails to act on a person's request for  
34 local authorization under subsection 3, paragraph C, the commission's failure to act  
35 does not satisfy the local authorization requirement of subsection 3, paragraph C.

36 **5. Appeal of failure to act on request for local authorization.** This subsection  
37 governs the appeal of a failure to act on a request for local authorization by a town or a  
38 plantation or, in the case of a township, by the county commissioners of the county in  
39 which the township is located, or by the Maine Land Use Planning Commission.

40 A. If a town or plantation whose legislative body has voted to allow some or all  
41 types of marijuana establishments within the town or plantation fails to act on a  
42 person's request for local authorization under subsection 3, paragraph B within 90  
43 days after the date the person submitted the request to the town or plantation, the

1 request is deemed denied and the denial constitutes a final government action that  
2 may be appealed to the Superior Court in accordance with Rule 80B of the Maine  
3 Rules of Civil Procedure, except that, if the town or plantation notifies the person in  
4 writing prior to the expiration of the 90-day period that the request cannot be  
5 processed prior to the expiration of the 90-day period, the request is deemed denied  
6 and the denial constitutes a final government action only if the town or plantation  
7 fails to act on the request within 180 days after the date the person submitted the  
8 request to the town or plantation.

9 B. If the county commissioners of the county in which a township is located, who  
10 have voted to allow some or all types of marijuana establishments within the  
11 township, fail to act on a person's request for local authorization under subsection 3,  
12 paragraph B within 90 days after the date the person submitted the request to the  
13 county commissioners, the request is deemed denied and the denial constitutes a final  
14 government action that may be appealed to the Superior Court in accordance with  
15 Rule 80B of the Maine Rules of Civil Procedure, except that, if the county  
16 commissioners notify the person in writing prior to the expiration of the 90-day  
17 period that the request cannot be processed prior to the expiration of the 90-day  
18 period, the request is deemed denied and the denial constitutes a final government  
19 action only if the county commissioners fail to act on the request within 180 days  
20 after the date the person submitted the request to the county commissioners.

21 C. If the Maine Land Use Planning Commission fails to act on a person's request for  
22 local authorization under subsection 3, paragraph C within 90 days after the date the  
23 person submitted the request to the commission, the request is deemed denied and the  
24 denial constitutes a final agency action that may be appealed to the Superior Court in  
25 accordance with Rule 80C of the Maine Rules of Civil Procedure, except that, if the  
26 commission notifies the person in writing prior to the expiration of the 90-day period  
27 that the request cannot be processed prior to the expiration of the 90-day period, the  
28 request is deemed denied and the denial constitutes a final agency action only if the  
29 commission fails to act on the request within 180 days after the date the person  
30 submitted the request to the commission.

31 **§404. Authority of Maine Land Use Planning Commission**

32 This chapter or rules adopted pursuant to this chapter may not be construed to limit  
33 the authority of the Maine Land Use Planning Commission to regulate land use planning  
34 and development activities within the unorganized and deorganized areas of the State  
35 pursuant to Title 12, chapter 206-A.

36 **§405. Information requests**

37 A municipality may request that the department provide any information obtained by  
38 the department pursuant to the provisions of subchapter 2 or 3 that the municipality  
39 determines necessary for the administration of its local authorization process for  
40 marijuana establishments under this subchapter. Unless the information is confidential  
41 pursuant to law or rule, the department, in a timely manner, shall provide the information  
42 requested pursuant to this section. For the purposes of this section, "municipality" has the  
43 same meaning as in section 212.

1 **§406. Notification to department**

2 A municipality shall notify the department within 14 days of the date the municipality  
3 authorizes the operation of a marijuana establishment within the municipality; issues or  
4 renews a license for the operation of a marijuana establishment within the municipality;  
5 withdraws authorization or suspends or revokes a license for the operation of a marijuana  
6 establishment within the municipality; approves relocation of the licensed premises of a  
7 marijuana establishment to the municipality; or approves a transfer of ownership interests  
8 in a license the licensed premises of which are located within the municipality. For the  
9 purposes of this section, "municipality" has the same meaning as in section 212.

10 The department shall provide the Bureau of Revenue Services with any information  
11 received pursuant to this section within 14 days of the date the department receives that  
12 information.

13 **SUBCHAPTER 5**

14 **OPERATING REQUIREMENTS FOR MARIJUANA ESTABLISHMENTS**

15 **§501. Operation of cultivation facilities**

16 A cultivation facility must be operated in accordance with the provisions of this  
17 section and the rules adopted pursuant to this chapter.

18 **1. Cultivation of adult use marijuana only for sale and distribution to other**  
19 **licensees.** Except as otherwise provided in this section, a cultivation facility may  
20 cultivate adult use marijuana only for sale and distribution to products manufacturing  
21 facilities, marijuana stores or other cultivation facilities.

22 **2. Retail sale of adult use marijuana without separate marijuana store license**  
23 **prohibited.** Except as provided in subsection 3, a cultivation facility may not sell or  
24 offer to sell adult use marijuana, immature marijuana plants or seedlings to consumers  
25 unless the cultivation facility licensee obtains from the department a separate license to  
26 operate a marijuana store and otherwise complies with all applicable requirements under  
27 this chapter and the rules adopted pursuant to this chapter concerning the operation of  
28 marijuana stores. A cultivation facility may not give away adult use marijuana, adult use  
29 marijuana products or marijuana plants to a consumer.

30 **3. Operation of nursery cultivation facilities.** A nursery cultivation facility as  
31 described in section 301, subsection 5 must be operated in accordance with the provisions  
32 of this subsection and must comply with all other applicable requirements of this chapter  
33 and the rules adopted pursuant to this chapter.

34 A. A nursery cultivation facility may cultivate immature marijuana plants, seedlings  
35 and marijuana seeds only for sale and distribution to marijuana stores and to other  
36 cultivation facilities pursuant to paragraph C and to consumers pursuant to paragraph  
37 D.

38 B. A nursery cultivation facility may cultivate mature marijuana plants only for the  
39 propagation of those mature marijuana plants or for the production of marijuana  
40 seeds by those mature marijuana plants, but the area within a nursery cultivation

1 facility in which mature marijuana plants are cultivated must be physically separated  
2 from the area within the facility in which immature marijuana plants and seedlings  
3 are cultivated. A nursery cultivation facility may not sell, distribute or otherwise  
4 transfer to any person mature marijuana plants, marijuana flower or marijuana trim.

5 C. A nursery cultivation facility may sell and distribute to marijuana stores and other  
6 cultivation facilities only immature marijuana plants, seedlings and marijuana seeds.  
7 Adult use marijuana sold by a nursery cultivation facility to marijuana stores and  
8 other cultivation facilities is subject to the excise tax imposed pursuant to subchapter  
9 10, which must be paid to the department as required by subsection 9.

10 D. A nursery cultivation facility may sell to consumers only immature marijuana  
11 plants, seedlings, marijuana seeds and agricultural or gardening supplies relating to  
12 the cultivation of marijuana. Sales to consumers by a nursery cultivation facility:

13 (1) Must be conducted within a portion of the licensed premises of the nursery  
14 cultivation facility that is dedicated to consumer sales of immature marijuana  
15 plants, seedlings, marijuana seeds and agricultural or gardening supplies relating  
16 to the cultivation of marijuana. A nursery cultivation facility licensee shall  
17 ensure that the portion of the licensed premises of the nursery cultivation facility  
18 that is dedicated to consumer sales complies with all applicable requirements of  
19 this chapter and the rules adopted pursuant to this chapter concerning the  
20 operation of marijuana stores; and

21 (2) Are subject to the sales tax imposed pursuant to Title 36, section 1811 and  
22 must be collected and remitted as required by subsection 9.

23 E. The department shall adopt rules regulating the operation of nursery cultivation  
24 facilities.

25 **4. Marijuana extraction without separate products manufacturing facility**  
26 **license prohibited.** A cultivation facility may not engage in the manufacture of  
27 marijuana concentrate by marijuana extraction unless the cultivation facility licensee has  
28 obtained from the department a separate license to operate a products manufacturing  
29 facility and otherwise meets the requirements under this chapter and the rules adopted  
30 pursuant to this chapter concerning the operation of a products manufacturing facility and  
31 concerning marijuana extraction.

32 **5. Use of shared facility for cultivation of adult use marijuana and marijuana**  
33 **for medical use.** Subject to the requirements of this subsection and the rules adopted  
34 pursuant to this subsection, a cultivation facility licensee that is also a registered primary  
35 caregiver or a registered dispensary may cultivate adult use marijuana pursuant to this  
36 chapter within the same facility in which the licensee also cultivates marijuana for  
37 medical use pursuant to the Maine Medical Use of Marijuana Act.

38 A. A cultivation facility licensee that cultivates marijuana under this subsection must  
39 comply with all applicable requirements of this chapter and the rules adopted  
40 pursuant to this chapter concerning the operation of cultivation facilities.

41 B. Except as provided in paragraph C, the areas of the shared facility in which adult  
42 use marijuana is cultivated must be separated from the areas of the shared facility in  
43 which marijuana for medical use is cultivated in a manner that provides for a visually

1 conspicuous delineation of the physical space between the cultivation area for adult  
2 use marijuana and the cultivation area for marijuana for medical use.

3 C. The following items or areas within the shared facility may be shared for both the  
4 cultivation of adult use marijuana and the cultivation of marijuana for medical use:

5 (1) Cultivation-related and noncultivation-related equipment, except that  
6 cultivation-related equipment may not be simultaneously used for the cultivation  
7 of adult use marijuana and the cultivation of marijuana for medical use;

8 (2) Cultivation-related and noncultivation-related supplies or products not  
9 containing marijuana or marijuana products and the storage areas for those  
10 supplies or products; and

11 (3) General office space, bathrooms, entryways and walkways.

12 D. Each marijuana plant within the shared facility must be tagged or otherwise  
13 identified as an adult use marijuana plant or a marijuana plant for medical use.

14 E. The department shall adopt rules governing the use of a shared facility by a  
15 cultivation facility licensee that is also a registered primary caregiver or a registered  
16 dispensary, which must include, but are not limited to, requirements for the  
17 maintenance of a log or other record relating to the use of the shared facility space,  
18 shared equipment and shared supplies or products to ensure compliance with the  
19 requirements of this chapter and the rules adopted pursuant to this chapter and the  
20 requirements of the Maine Medical Use of Marijuana Act.

21 **6. Limited authorization for sale of marijuana plants and marijuana seeds by**  
22 **registered primary caregiver or registered dispensary to cultivation facility licensee.**  
23 Notwithstanding any other provision of law to the contrary and subject to the  
24 requirements and restrictions of this section, for a period starting on the date that the  
25 department issues the first active cultivation facility license under section 205, subsection  
26 4 and ending 2 years after that date, a registered primary caregiver or a registered  
27 dispensary may sell marijuana plants and marijuana seeds to a cultivation facility licensee  
28 that is also a registered primary caregiver or a registered dispensary and a cultivation  
29 facility licensee that is also a registered primary caregiver or a registered dispensary may  
30 purchase marijuana plants and marijuana seeds from a registered primary caregiver or a  
31 registered dispensary. The department shall post on its publicly accessible website  
32 information regarding the date on which the department issues the first active cultivation  
33 facility license and the date that is 2 years after the date the first active cultivation facility  
34 license is issued.

35 A. Beginning on the date that the department issues the first active cultivation  
36 facility license and ending 2 years after that date, in an active cultivation facility  
37 license issued to any licensee that has demonstrated to the department's satisfaction  
38 that the licensee is also a registered primary caregiver or a registered dispensary, the  
39 department shall include language authorizing the licensee, at any time within the  
40 licensee's first year of licensure, to purchase an unlimited number of marijuana plants  
41 and marijuana seeds from registered primary caregivers and registered dispensaries.  
42 This authorization may not be included in any license issued upon renewal under  
43 section 209.

1           B. A cultivation facility licensee authorized pursuant to paragraph A to purchase  
2           marijuana plants and marijuana seeds from registered primary caregivers and  
3           registered dispensaries that transacts such a purchase shall pay to the department the  
4           excise taxes that would have been imposed under subchapter 10 on the sale of the  
5           marijuana plants and marijuana seeds if the marijuana plants and marijuana seeds had  
6           been sold by a cultivation facility licensee to another licensee. In addition to payment  
7           of the required excise taxes under this paragraph, the cultivation facility licensee shall  
8           provide the department with an accounting of the transaction, which must include  
9           information on the registered primary caregiver or registered dispensary from which  
10           the licensee purchased the marijuana plants and marijuana seeds, the number of  
11           mature marijuana plants, immature marijuana plants, seedlings and marijuana seeds  
12           purchased in the transaction and any other information required by the department by  
13           rule.

14           C. A cultivation facility licensee authorized pursuant to paragraph A to purchase  
15           marijuana plants and marijuana seeds from registered primary caregivers and  
16           registered dispensaries may purchase marijuana plants and marijuana seeds from  
17           more than one registered primary caregiver or registered dispensary and may transact  
18           more than one purchase of marijuana plants and marijuana seeds from a registered  
19           primary caregiver or registered dispensary. A registered primary caregiver or  
20           registered dispensary may not sell marijuana plants and marijuana seeds to more than  
21           one cultivation facility licensee authorized pursuant to paragraph A to purchase  
22           marijuana plants and marijuana seeds from registered primary caregivers and  
23           registered dispensaries and may not transact more than one sale of marijuana plants  
24           and marijuana seeds to a cultivation facility licensee authorized to make such  
25           purchases pursuant to paragraph A.

26           D. A cultivation facility licensee that violates this subsection or the rules adopted  
27           pursuant to this subsection is subject to the imposition by the department of monetary  
28           penalties, a license revocation or suspension and an order directing the destruction of  
29           unauthorized marijuana plants and marijuana seeds pursuant to subchapter 8 in  
30           addition to any criminal or civil penalties that may be imposed pursuant to other  
31           applicable laws or rules. A registered primary caregiver or registered dispensary that  
32           violates paragraph C is subject to the revocation of its registration or other applicable  
33           penalty under the Maine Medical Use of Marijuana Act in addition to any criminal or  
34           civil penalties that may be imposed pursuant to other applicable laws or rules.

35           The department shall adopt rules to implement this subsection.

36           **7. Requirements for outdoor cultivation.** This subsection governs outdoor  
37           cultivation operations by a cultivation facility licensee.

38           A. An outdoor cultivation area within the licensed premises of a cultivation facility  
39           may not share a common wall or fence with an outdoor cultivation area within the  
40           licensed premises of a different cultivation facility.

41           B. The outer boundary of an outdoor cultivation area within the licensed premises of  
42           a cultivation facility must be separated by at least 20 feet from the outer boundary of  
43           an outdoor cultivation area within the licensed premises of a different cultivation  
44           facility.

1           C. The department shall adopt rules regarding the outdoor cultivation of adult use  
2           marijuana by a cultivation facility licensee, including, but not limited to, security  
3           requirements specific to outdoor cultivation operations and requirements for shielding  
4           outdoor cultivation operations from public view.

5           **8. Sampling by other licensees.** A cultivation facility licensee may provide samples  
6           of adult use marijuana cultivated at the licensed premises to a products manufacturing  
7           facility licensee or a marijuana store licensee for business or marketing purposes only.  
8           Samples provided by a cultivation facility licensee to another licensee under this  
9           subsection may not be consumed within the licensed premises of the cultivation facility.  
10           This subsection does not apply to a nursery cultivation facility licensee.

11           **9. Excise tax; sales tax.** A cultivation facility licensee shall ensure that the tax  
12           imposed on the sale of adult use marijuana by a cultivation facility to other licensees  
13           pursuant to subchapter 10 is paid to the department. A nursery cultivation facility  
14           licensee shall ensure that the tax imposed on the sale of adult use marijuana and adult use  
15           marijuana products under Title 36, section 1811 is collected and remitted in accordance  
16           with the requirements of Title 36, Part 3 and the rules adopted pursuant to Title 36, Part 3.

17           **10. Tracking.** In accordance with the requirements of section 105, a cultivation  
18           facility licensee shall track the adult use marijuana it cultivates from immature marijuana  
19           plant to the point at which the marijuana plant or the marijuana produced by the  
20           marijuana plant is delivered or transferred to a products manufacturing facility, a testing  
21           facility, a marijuana store or another cultivation facility or is disposed of or destroyed.

22           **§502. Operation of products manufacturing facilities**

23           A products manufacturing facility must be operated in accordance with the provisions  
24           of this section and the rules adopted pursuant to this chapter.

25           **1. Manufacture only for sale or distribution to other licensees.** Except as  
26           otherwise provided in this section, a products manufacturing facility may manufacture  
27           adult use marijuana and adult use marijuana products only for sale or distribution to  
28           marijuana stores or other products manufacturing facilities.

29           **2. Retail sale of adult use marijuana or adult use marijuana products without**  
30           **separate marijuana store license prohibited.** A products manufacturing facility may  
31           not sell or offer to sell adult use marijuana or adult use marijuana products to consumers  
32           unless the products manufacturing facility licensee obtains from the department a  
33           separate license to operate a marijuana store and otherwise complies with all applicable  
34           requirements under this chapter and the rules adopted pursuant to this chapter concerning  
35           the operation of marijuana stores. A products manufacturing facility may not give away  
36           adult use marijuana, adult use marijuana products or marijuana plants to a consumer.

37           **3. Cultivation of marijuana without separate cultivation facility license**  
38           **prohibited.** A products manufacturing facility shall purchase all marijuana necessary for  
39           its manufacturing processes from a cultivation facility and may not engage in the  
40           cultivation of marijuana unless the products manufacturing facility licensee obtains from  
41           the department a separate license to operate a cultivation facility and otherwise meets all  
42           applicable requirements under this chapter and under the rules adopted pursuant to this  
43           chapter concerning the operation of cultivation facilities.

1           **4. Use of shared facility for manufacture of adult use marijuana products and**  
2 **marijuana products for medical use.** Subject to the requirements of this subsection and  
3 the rules adopted pursuant to this subsection, a products manufacturing facility licensee  
4 that is also a registered primary caregiver or a registered dispensary may manufacture  
5 adult use marijuana and adult use marijuana products pursuant to this chapter within the  
6 same facility in which the licensee also manufactures marijuana concentrate and  
7 marijuana products for medical use pursuant to the Maine Medical Use of Marijuana Act.

8           A. A products manufacturing facility licensee that manufactures adult use marijuana  
9 and adult use marijuana products within the same facility in which the licensee also  
10 manufactures marijuana concentrate and marijuana products for medical use must  
11 comply with all applicable requirements of this chapter and the rules adopted  
12 pursuant to this chapter concerning the operation of products manufacturing facilities.

13           B. The following items or areas within the shared facility may be shared for both the  
14 manufacturing of adult use marijuana and adult use marijuana products and the  
15 manufacturing of marijuana concentrate and marijuana products for medical use:

16                   (1) Manufacturing-related and nonmanufacturing-related equipment, except that  
17 manufacturing-related equipment may not be simultaneously used for the  
18 manufacturing of adult use marijuana and adult use marijuana products and the  
19 manufacturing of marijuana concentrate and marijuana products for medical use;

20                   (2) Manufacturing-related and nonmanufacturing-related supplies or products  
21 not containing marijuana or marijuana products and the storage areas for those  
22 supplies or products; and

23                   (3) General office space, bathrooms, entryways and walkways.

24           C. The department shall adopt rules governing the use of a shared facility by a  
25 products manufacturing facility licensee that is also a registered primary caregiver or  
26 a registered dispensary, including, but not limited to, requirements for the  
27 maintenance of a log or other record relating to the use of the shared facility space,  
28 shared equipment and shared supplies or products to ensure compliance with the  
29 requirements of this chapter and the rules adopted pursuant to this chapter and the  
30 requirements of the Maine Medical Use of Marijuana Act.

31           **5. Sampling by employees.** A products manufacturing facility licensee and its  
32 employees may sample adult use marijuana and adult use marijuana products  
33 manufactured at the licensed premises of the products manufacturing facility for the  
34 purposes of product quality control and product research and development only. The  
35 licensee may not otherwise allow the consumption of adult use marijuana or adult use  
36 marijuana products within the licensed premises. The sampling of adult use marijuana  
37 and adult use marijuana products authorized under this subsection may not involve the  
38 consumption of marijuana or marijuana products by means of smoking the marijuana or  
39 marijuana products. For the purposes of this subsection, "smoking" has the same  
40 meaning as in Title 22, section 1541, subsection 6.

41           **6. Sampling by other licensees.** A products manufacturing facility licensee may  
42 provide samples of adult use marijuana and adult use marijuana products manufactured at  
43 the licensed premises to another products manufacturing facility licensee or to a

1 marijuana store licensee for business or marketing purposes only. Samples provided by a  
2 products manufacturing facility to other licensees under this subsection may not be  
3 consumed within the licensed premises of the products manufacturing facility.

4 **7. Marijuana extraction.** Subject to the requirements and restrictions of this  
5 subsection, a products manufacturing facility licensee may manufacture marijuana  
6 concentrate by marijuana extraction using water, lipids, gases, solvents or other chemicals  
7 or chemical processes.

8 A. A products manufacturing facility licensee may engage in marijuana extraction  
9 using a solvent or other chemical or chemical process that is not and does not involve  
10 an inherently hazardous substance if:

11 (1) The solvent or other chemical or chemical process is listed by the department  
12 by rule as approved for use in marijuana extraction; or

13 (2) The products manufacturing facility licensee requests and obtains from the  
14 department written approval to engage in marijuana extraction using a solvent or  
15 other chemical or chemical process that is not and does not involve an inherently  
16 hazardous substance and that is not listed by the department by rule as approved  
17 for use in marijuana extraction.

18 The department shall adopt by rule a list of those solvents or other chemicals or  
19 chemical processes that are not and do not contain an inherently hazardous substance  
20 that the department approves for use in marijuana extraction by products  
21 manufacturing facilities.

22 B. A products manufacturing facility licensee may not engage in marijuana  
23 extraction involving the use of any inherently hazardous substance unless:

24 (1) The licensee submits to the department a request for approval of the  
25 marijuana extraction method the facility plans to engage in that includes a  
26 description of the proposed marijuana extraction method and a certification from  
27 an industrial hygienist or professional engineer following a review of the  
28 facility's storage, preparation, electrical, gas monitoring, fire suppression and  
29 exhaust systems; and

30 (2) The department approves in writing the proposed marijuana extraction  
31 method.

32 The department, within 14 days of receipt of a request for approval under this  
33 paragraph, shall notify the products manufacturing facility licensee in writing  
34 whether the request is approved or denied.

35 **8. Compliance with packaging, labeling and health and safety requirements.** All  
36 adult use marijuana and adult use marijuana products sold or distributed by a products  
37 manufacturing facility must meet all applicable packaging, labeling and health and safety  
38 requirements of subchapter 7 and the rules adopted pursuant to subchapter 7.

39 **9. Compliance with sanitary standards.** All areas within the licensed premises of  
40 a products manufacturing facility in which adult use marijuana and adult use marijuana  
41 products are manufactured must meet all sanitary standards specified in rules adopted by  
42 the department.

1           **10. Commercial kitchen license.** A products manufacturing facility licensee must  
2 obtain a commercial kitchen license for any area within the licensed premises of the  
3 products manufacturing facility in which adult use marijuana and adult use marijuana  
4 products are manufactured and for which the department requires a products  
5 manufacturing facility licensee to obtain a commercial kitchen license. The department  
6 shall adopt rules requiring certain areas within the licensed premises of a products  
7 manufacturing facility to be licensed as commercial kitchens based upon the types of  
8 manufacturing processes conducted within those areas.

9           **11. Refrigeration.** A products manufacturing facility licensee shall store and  
10 transport in a refrigerated environment all adult use marijuana and adult use marijuana  
11 products that require refrigeration to prevent spoilage. The department shall adopt rules  
12 regarding the storage and transportation of adult use marijuana and adult use marijuana  
13 products that require refrigeration to prevent spoilage.

14           **12. Testing.** A products manufacturing facility licensee may test marijuana and  
15 marijuana products within its licensed premises for research and development purposes,  
16 quality control purposes and health and safety purposes. Testing performed by a products  
17 manufacturing facility licensee within its licensed premises is not subject to the  
18 requirements for testing facilities under section 503 but does not satisfy the mandatory  
19 testing requirements of subchapter 6.

20           **13. Tracking.** In accordance with the requirements of section 105, a products  
21 manufacturing facility licensee shall track the adult use marijuana it uses in its  
22 manufacturing processes from the point the marijuana is delivered or transferred to the  
23 products manufacturing facility by a cultivation facility to the point the marijuana or  
24 marijuana concentrate or an adult use marijuana product produced using the marijuana or  
25 marijuana concentrate is delivered or transferred to another products manufacturing  
26 facility, a testing facility or a marijuana store or is disposed of or destroyed.

27 **§503. Operation of testing facilities**

28           A testing facility must be operated in accordance with the provisions of this section  
29 and the rules adopted pursuant to this chapter.

30           **1. Development, research and testing of marijuana, marijuana products and**  
31 **other substances.** A testing facility may develop, research and test marijuana and  
32 marijuana products for:

33           A. That facility;

34           B. Another licensee;

35           C. A person who intends to use the marijuana or marijuana product for personal use  
36 as authorized under chapter 3; or

37           D. A qualifying patient, a primary caregiver, a registered primary caregiver or a  
38 registered dispensary.

39 Neither this chapter nor the rules adopted pursuant to this chapter prevent a testing  
40 facility from developing, researching or testing substances that are not marijuana or  
41 marijuana products for that facility or for another person.

1           **2. Certification; accreditation and provisional licensure; compliance with**  
2 **operational and technical requirements.** A testing facility may not commence or  
3 continue operation unless the testing facility:

4           A. Is certified for operation by the Department of Health and Human Services,  
5 Maine Center for Disease Control and Prevention, in accordance with rules adopted  
6 by the department after consultation with the Department of Health and Human  
7 Services, Maine Center for Disease Control and Prevention, which must allow for  
8 inspection of the proposed or operational testing facility by the department and the  
9 Department of Health and Human Services, Maine Center for Disease Control and  
10 Prevention;

11           B. Except as otherwise provided in this paragraph, is accredited pursuant to standard  
12 ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party  
13 accrediting body or is certified, registered or accredited by an organization approved  
14 by the department. The department shall adopt rules regarding the scope of  
15 certification, registration or accreditation required for licensure of a testing facility.

16           (1) The department may issue a full testing facility license to an applicant that  
17 meets all applicable requirements of this chapter and rules adopted pursuant to  
18 this chapter and that has obtained accreditation pursuant to standard ISO/IEC  
19 17025 of the International Organization for Standardization from a 3rd-party  
20 accrediting body or that is certified, registered or accredited by an approved  
21 organization.

22           (2) The department may issue a provisional testing facility license to an  
23 applicant that otherwise meets all applicable requirements of this chapter and  
24 rules adopted pursuant to this chapter and that has applied for but not yet  
25 obtained accreditation from a 3rd-party accrediting body or that has applied for  
26 but not yet obtained certification, registration or accreditation from an approved  
27 organization. The department may not renew a provisional testing facility license  
28 more than once.

29           An active full or provisional testing facility license may not be issued by the  
30 department to an applicant until the applicant satisfies all applicable requirements of  
31 section 205, subsection 4; and

32           C. Is determined by the department to meet all operational and technical  
33 requirements for testing facilities under this chapter and the rules adopted under this  
34 chapter.

35           **3. Compliance with testing protocols, standards and criteria.** A testing facility  
36 shall follow all testing protocols, standards and criteria adopted by rule by the department  
37 for the testing of different forms of marijuana and marijuana products; determining batch  
38 size; sampling; testing validity; and approval and disapproval of tested marijuana and  
39 marijuana products.

40           **4. Remediation and retesting.** If a testing facility determines that a sample of adult  
41 use marijuana or an adult use marijuana product has failed a mandatory test required  
42 under section 602, the testing facility shall offer to the owner of that sample an

1 opportunity for remediation and retesting in accordance with rules adopted by the  
2 department.

3 **5. Record keeping.** A testing facility shall maintain records of all business  
4 transactions and testing results in accordance with the record-keeping requirements of  
5 section 511 and section 602, subsection 2 and in accordance with applicable standards for  
6 licensing and accreditation under subsection 2 and testing protocols, standards and  
7 criteria adopted by the department under subsection 3.

8 **6. Disposal of marijuana and marijuana products.** A testing facility shall dispose  
9 of or destroy used, unused and waste marijuana and marijuana products in accordance  
10 with rules adopted by the department.

11 **7. Notification of test results.** A testing facility shall notify the department of test  
12 results in accordance with section 603.

13 **8. Independence of testing facility interest.** A person with an interest in a testing  
14 facility may not be a primary caregiver or a registered primary caregiver or have an  
15 interest in a registered dispensary, a marijuana store license, a cultivation facility license  
16 or a products manufacturing facility license, but may hold or have an interest in multiple  
17 testing facility licenses. A person who is a primary caregiver or a registered primary  
18 caregiver or who has an interest in a registered dispensary, a marijuana store license, a  
19 cultivation facility license or a products manufacturing facility license may not have an  
20 interest in a testing facility license. As used in this subsection, "interest" has the same  
21 meaning as in section 205, subsection 2, paragraph B.

22 **9. Tracking.** In accordance with the requirements of section 105, a testing facility  
23 licensee shall track all adult use marijuana and adult use marijuana products it receives  
24 from a licensee for testing purposes from the point at which the marijuana or marijuana  
25 products are delivered or transferred to the testing facility to the point at which the  
26 marijuana or marijuana products are disposed of or destroyed.

27 **10. Rules.** The department shall adopt rules regarding the testing of marijuana and  
28 marijuana products by testing facilities pursuant to this chapter, including, but not limited  
29 to, rules establishing acceptable testing and research practices for testing facilities,  
30 including, but not limited to, provisions relating to testing practices, methods and  
31 standards; remediation and retesting procedures; quality control analysis; equipment  
32 certification and calibration; chemical identification; testing facility record-keeping,  
33 documentation and business practices; disposal of used, unused and waste marijuana and  
34 marijuana products; and reporting of test results. Rules adopted pursuant to this section  
35 are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

36 **§504. Operation of marijuana stores**

37 A marijuana store must be operated in accordance with the provisions of this section  
38 and the rules adopted pursuant to this chapter.

39 **1. Products authorized for sale.** Except as provided in subsection 2, a marijuana  
40 store may sell:

41 A. Adult use marijuana, adult use marijuana products and marijuana paraphernalia;

42 B. Immature marijuana plants and seedlings;

1 C. Consumable products not containing marijuana, including, but not limited to,  
2 sodas, candies and baked goods; and

3 D. Any other nonconsumable products, including, but not limited to, apparel and  
4 marijuana-related products.

5 **2. Prohibitions.** A marijuana store may not:

6 A. Give away adult use marijuana, adult use marijuana products or marijuana plants  
7 or sell or give away mature marijuana plants or consumable products containing  
8 tobacco or alcohol that do not contain marijuana;

9 B. Except for nonedible adult use marijuana products that do not contain THC, sell  
10 to any person in any individual sales transaction an amount of adult use marijuana,  
11 adult use marijuana products or immature marijuana plants or seedlings that exceeds  
12 the personal adult use limitations of section 1501, subsection 1;

13 C. Sell adult use marijuana, adult use marijuana products or marijuana plants using:

14 (1) An automated dispensing or vending machine;

15 (2) A drive-through sales window;

16 (3) An Internet-based sales platform; or

17 (4) A delivery service; or

18 D. Sell adult use marijuana or adult use marijuana products to a person who is  
19 visibly intoxicated.

20 **3. Compliance with packaging, labeling and health and safety requirements.** All  
21 adult use marijuana and adult use marijuana products sold or offered for sale at a  
22 marijuana store must meet all applicable packaging, labeling and health and safety  
23 requirements of subchapter 7 and the rules adopted under subchapter 7.

24 **4. Verification of purchaser's age.** A person must be 21 years of age or older to  
25 make a purchase in a marijuana store. A marijuana store may not sell any item to a  
26 person under 21 years of age.

27 A. Prior to initiating a sale, an employee of the marijuana store licensee shall verify  
28 that the purchaser has a valid government-issued photographic identification card, or  
29 other acceptable photographic identification, demonstrating that the purchaser is 21  
30 years of age or older.

31 B. The department shall by rule determine the forms of photographic identification  
32 that a marijuana store licensee may accept when verifying a purchaser's age.

33 **5. Prohibition on use of shared facility for retail sale of adult use marijuana and**  
34 **adult use marijuana products and marijuana and marijuana products for medical**  
35 **use.** A marijuana store licensee that is also a registered primary caregiver or a registered  
36 dispensary may not sell or offer for sale to consumers adult use marijuana and adult use  
37 marijuana products pursuant to this chapter within the same facility or building in which  
38 the licensee also sells or offers for sale to qualifying patients marijuana and marijuana  
39 products for medical use pursuant to the Maine Medical Use of Marijuana Act.



1 A. A person may not consume adult use marijuana or adult use marijuana products  
2 within the licensed premises of a marijuana establishment; and

3 B. A licensee may not allow any person to consume adult use marijuana or adult use  
4 marijuana products within its licensed premises.

5 **§509. License to be conspicuously displayed**

6 A licensee shall ensure that the licensee's license, or a copy of that license, is at all  
7 times conspicuously displayed within its licensed premises.

8 **§510. Limited access areas**

9 A person may not enter or remain in any limited access area unless the person  
10 displays an individual identification card issued by the department pursuant to section  
11 106. A licensee shall ensure that all areas of ingress and egress to limited access areas  
12 within its licensed premises are conspicuously marked and that a person is not allowed to  
13 enter or remain in any limited access area without displaying the person's individual  
14 identification card issued by the department pursuant to section 106.

15 **§511. Record keeping and inspection of records; audits**

16 **1. Record keeping; inspection of records.** A licensee shall maintain a complete set  
17 of all records of the licensee's business transactions, which must be open to inspection  
18 and examination by the department upon demand and without notice during all business  
19 hours. Records must be maintained by a licensee at a minimum for a period comprising  
20 the current tax year and the 2 immediately preceding tax years.

21 **2. Additional information may be required.** The department may require a  
22 licensee to furnish any additional information necessary for the proper administration of  
23 this chapter.

24 **3. Audit.** The department may require a licensee to submit to an audit of the  
25 licensee's business records. If the department requires a licensee to submit to an audit,  
26 the licensee shall provide the auditor selected by the department with access to all  
27 business records of the licensee and the cost of the audit must be paid by the licensee.

28 **4. Confidentiality.** This subsection governs the confidentiality of records under this  
29 section.

30 A. Documents of a licensee inspected or examined by the department pursuant to this  
31 section are confidential and may not be disclosed except as needed in a civil or  
32 criminal proceeding to enforce any provision of this chapter and the rules adopted  
33 pursuant to this chapter or any criminal law.

34 B. Audit working papers are confidential and may not be disclosed to any person  
35 outside the department, except that audit working papers may be disclosed to the  
36 licensee subject to the audit. A final audit report is a public record for the purposes  
37 of Title 1, chapter 13, subchapter 1. For the purposes of this paragraph, "audit  
38 working papers" means all documentation and other information acquired, prepared  
39 or maintained by the department and the auditor selected by the department during  
40 the conduct of the audit, including, but not limited to, draft reports and portions of  
41 draft reports.

1 **§512. Inspection of licensed premises; testing and sampling for product quality**  
2 **control**

3 **1. Inspections.** A licensee shall submit to an inspection of its licensed premises,  
4 including, but not limited to, any places of storage and any locked areas, upon demand  
5 and without notice during all business hours and other times of apparent activity by the  
6 department, a criminal justice agency or an official authorized by the municipality in  
7 which the licensed premises are located.

8 For the purposes of this subsection, "municipality" has the same meaning as in section  
9 212.

10 **2. Testing and sampling for product quality control.** A licensee shall submit to  
11 the sampling and testing of adult use marijuana or adult use marijuana products within its  
12 possession, upon demand and without notice during all business hours by the department  
13 for the purposes of product quality control. The department shall adopt rules governing  
14 the sampling and testing of adult use marijuana and adult use marijuana products under  
15 this subsection, consistent with the requirements of subchapter 6. Rules adopted pursuant  
16 to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter  
17 2-A.

18 **§513. Licensee compliance with regulatory requirements**

19 A licensee, as a condition of licensure under this chapter, shall comply with all  
20 applicable provisions of this chapter and all applicable provisions of the rules adopted  
21 pursuant to this chapter.

22 **SUBCHAPTER 6**

23 **TESTING OF MARIJUANA AND MARIJUANA PRODUCTS**

24 **§601. Testing program established**

25 The department shall establish a testing program for adult use marijuana and adult  
26 use marijuana products. Except as otherwise provided in this subchapter, the program  
27 must require a licensee, prior to selling or distributing adult use marijuana or an adult use  
28 marijuana product to a consumer or to another licensee, to submit the marijuana or  
29 marijuana product to a testing facility for testing to ensure that the marijuana or marijuana  
30 product does not exceed the maximum level of allowable contamination for any  
31 contaminant that is injurious to health and for which testing is required and to ensure  
32 correct labeling. The department shall adopt rules establishing a testing program pursuant  
33 to this section, rules identifying the types of contaminants that are injurious to health for  
34 which marijuana and marijuana products must be tested under this subchapter and rules  
35 regarding the maximum level of allowable contamination for each contaminant. Rules  
36 adopted pursuant to this subchapter are routine technical rules as defined in Title 5,  
37 chapter 375, subchapter 2-A.

1 **§602. Mandatory testing**

2 A licensee may not sell or distribute adult use marijuana or an adult use marijuana  
3 product to a consumer or to another licensee under this chapter unless the marijuana or  
4 marijuana product has been tested pursuant to this subchapter and the rules adopted  
5 pursuant to this subchapter and that mandatory testing has demonstrated that the  
6 marijuana or marijuana product does not exceed the maximum level of allowable  
7 contamination for any contaminant that is injurious to health and for which testing is  
8 required.

9 **1. Scope of mandatory testing.** Mandatory testing of adult use marijuana and adult  
10 use marijuana products under this section must include, but is not limited to, testing for:

11 A. Residual solvents, poisons and toxins;

12 B. Harmful chemicals;

13 C. Dangerous molds and mildew;

14 D. Harmful microbes, including, but not limited to, Escherichia coli and salmonella;

15 E. Pesticides, fungicides and insecticides; and

16 F. THC potency, homogeneity and cannabinoid profiles to ensure correct labeling.

17 The department may temporarily waive mandatory testing requirements under this section  
18 for any contaminant or factor for which the department has determined that there exists  
19 no licensed testing facility in the State capable of and certified to perform such testing.

20 **2. Record keeping.** A licensee shall maintain a record of all mandatory testing that  
21 includes a description of the adult use marijuana or adult use marijuana product provided  
22 to the testing facility, the identity of the testing facility and the results of the mandatory  
23 test.

24 **3. Testing process, protocols and standards.** The department shall establish by  
25 rule processes, protocols and standards for mandatory and other testing of marijuana and  
26 marijuana products that conform with the best practices generally used within the  
27 marijuana industry.

28 **§603. Notification requirements**

29 **1. Notification of testing results required.** If the results of a mandatory test  
30 conducted pursuant to section 602 indicate that the tested adult use marijuana or adult use  
31 marijuana product exceeds the maximum level of allowable contamination for any  
32 contaminant that is injurious to health and for which testing is required, the testing  
33 facility immediately shall quarantine, document and properly destroy the marijuana or  
34 marijuana product, except when the owner of the tested marijuana or marijuana product  
35 has successfully undertaken remediation and retesting, and within 30 days of completing  
36 the test shall notify the department of the test results.

37 **2. Notification of testing results not required.** A testing facility is not required to  
38 notify the department of the results of any test:

39 A. Conducted on adult use marijuana or an adult use marijuana product at the  
40 direction of a licensee pursuant to section 602 that demonstrates that the marijuana or

1 marijuana product does not exceed the maximum level of allowable contamination  
2 for any contaminant that is injurious to health and for which testing is required;

3 B. Conducted on adult use marijuana or an adult use marijuana product at the  
4 direction of a licensee for research and development purposes only, so long as the  
5 licensee notifies the testing facility prior to the performance of the test that the testing  
6 is for research and development purposes only;

7 C. Conducted on marijuana or a marijuana product at the direction of a person who is  
8 not a licensee; or

9 D. Conducted on a substance that is not marijuana or a marijuana product.

10 **§604. Sampling for testing**

11 If a test to be performed by a testing facility is a mandatory test under section 602, an  
12 employee or designee of the testing facility must perform the sampling required for the  
13 test. If a test to be performed by a testing facility is not a mandatory test, the owner of the  
14 marijuana or marijuana product, or a designee of the owner, may perform the sampling  
15 required for the test.

16 **§605. Additional testing not required**

17 Notwithstanding section 602, a licensee may sell or furnish to a consumer or to  
18 another licensee adult use marijuana or an adult use marijuana product that the licensee  
19 has not submitted for testing in accordance with this subchapter and rules adopted  
20 pursuant to this subchapter if:

21 1. **Prior testing.** The marijuana or marijuana product has previously undergone  
22 testing in accordance with this subchapter and rules adopted pursuant to this subchapter at  
23 the direction of another licensee and that testing demonstrated that the marijuana or  
24 marijuana product does not exceed the maximum level of allowable contamination for  
25 any contaminant that is injurious to health and for which testing is required;

26 2. **Proper documentation.** The mandatory testing process and the test results for  
27 the marijuana or marijuana product are documented in accordance with the requirements  
28 of this chapter and all applicable rules adopted pursuant to this chapter;

29 3. **Tracking maintained.** Tracking from immature marijuana plant to the point of  
30 retail sale has been maintained for the marijuana or marijuana product and transfers of the  
31 marijuana or marijuana product to another licensee or to a consumer can be easily  
32 identified; and

33 4. **No subsequent processing, manufacturing or alteration.** Since the  
34 performance of the prior testing under subsection 1, the marijuana or marijuana product  
35 has not undergone any further processing, manufacturing or alteration, other than the  
36 packaging and labeling of the marijuana or marijuana product for sale.

37 **§606. Coordination with testing program and rules for marijuana and marijuana**  
38 **products for medical use**

39 In adopting rules and regulating the testing of adult use marijuana and adult use  
40 marijuana products under this subchapter, the department shall ensure that, when

1 necessary and practicable, the regulation of the testing of adult use marijuana and adult  
2 use marijuana products under this subchapter is consistent with the regulation of the  
3 testing of marijuana and marijuana products for medical use under the Maine Medical  
4 Use of Marijuana Act.

5 **SUBCHAPTER 7**

6 **LABELING AND PACKAGING; SIGNS, ADVERTISING AND**  
7 **MARKETING; HEALTH AND SAFETY**

8 **§701. Labeling and packaging**

9 **1. Labeling requirements.** Adult use marijuana and adult use marijuana products to  
10 be sold or offered for sale by a licensee to a consumer in accordance with this chapter  
11 must be labeled with the following information, as applicable based on the marijuana or  
12 marijuana product to be sold:

13 A. The license numbers of the cultivation facility, the products manufacturing  
14 facility and the marijuana store where the adult use marijuana or adult use marijuana  
15 product was cultivated, manufactured and offered for sale;

16 B. An identity statement and universal symbol;

17 C. Health and safety warning labels as required by rules adopted by the department  
18 after consultation with the Department of Health and Human Services, Maine Center  
19 for Disease Control and Prevention;

20 D. The batch number;

21 E. A net weight statement;

22 F. Information on the THC potency of the marijuana or marijuana product and the  
23 potency of such other cannabinoids or other chemicals in the marijuana or marijuana  
24 product, including, but not limited to, cannabidiol;

25 G. Information on the amount of THC and cannabidiol per serving of the marijuana  
26 or marijuana product and, for edible marijuana products, the number of servings per  
27 package;

28 H. Information on gases, solvents and chemicals used in marijuana extraction;

29 I. Instructions on usage;

30 J. For adult use marijuana products:

31 (1) The amount of marijuana concentrate per serving of the product, as measured  
32 in grams, and the amount of marijuana concentrate per package of the product, as  
33 measured in grams;

34 (2) A list of ingredients and possible allergens; and

35 (3) A recommended use date or expiration date;

36 K. For edible marijuana products, a nutritional fact panel; and

1           L. Any other information required by rule by the department.

2           **2. Packaging requirements.** Adult use marijuana and adult use marijuana products  
3 to be sold or offered for sale by a licensee to a consumer in accordance with this chapter  
4 must be packaged in the following manner, as applicable based on the marijuana or  
5 marijuana product to be sold:

6           A. Adult use marijuana and adult use marijuana products must be prepackaged in  
7 child-resistant and tamper-evident packaging or must be placed in child-resistant and  
8 tamper-evident packaging at the final point of sale to a consumer;

9           B. Adult use marijuana and adult use marijuana products must be prepackaged in  
10 opaque packaging or an opaque container or must be placed in opaque packaging or  
11 an opaque container at the final point of sale to a consumer;

12           C. Packaging for multiserving liquid adult use marijuana products must include an  
13 integral measurement component and a child-resistant cap; and

14           D. Packaging must conform to all other applicable requirements and restrictions  
15 imposed by rule by the department.

16           **3. Other approved labeling and packaging.** Adult use marijuana and adult use  
17 marijuana products to be sold or offered for sale by a licensee to a consumer in  
18 accordance with this chapter may include on the label or the packaging of the marijuana  
19 or marijuana product:

20           A. A statement of compatibility with dietary practices;

21           B. Depictions of geometric shapes or marijuana leaves;

22           C. Use of the terms "organic," "organically cultivated" or "organically grown" in  
23 accordance with requirements regarding the use of such terms as adopted by rule by  
24 the department; and

25           D. Any other information that has been preapproved by the department.

26           **4. Labeling and packaging prohibitions.** Adult use marijuana and adult use  
27 marijuana products to be sold or offered for sale by a licensee to a consumer in  
28 accordance with this chapter:

29           A. May not be labeled or packaged in violation of a federal trademark law or  
30 regulation or in a manner that would cause a reasonable consumer confusion as to  
31 whether the marijuana or marijuana product was a trademarked product;

32           B. May not be labeled or packaged in a manner that is specifically designed to appeal  
33 particularly to a person under 21 years of age;

34           C. May not be labeled or packaged in a manner that obscures identifying information  
35 on the label or uses a false or deceptive label;

36           D. May not be sold or offered for sale using a label or packaging that depicts a  
37 human, animal or fruit; and

38           E. May not be labeled or packaged in violation of any other labeling or packaging  
39 requirement or restriction imposed by rule by the department.

1 **§702. Signs, advertising and marketing**

2 **1. Prohibitions.** Signs, advertising and marketing used by or on behalf of a licensee:

3 A. May not be misleading, deceptive or false;

4 B. May not involve advertising or marketing that has a high likelihood of reaching  
5 persons under 21 years of age or that is specifically designed to appeal particularly to  
6 persons under 21 years of age;

7 C. May not be placed or otherwise used within 1,000 feet of the property line of a  
8 preexisting public or private school, except that, if a municipality by ordinance or  
9 other regulation, or, in the case of a town, plantation or township located in the  
10 unorganized and deorganized areas, the Maine Land Use Planning Commission,  
11 chooses to prohibit the placement or use of signs or advertising by or on behalf of a  
12 marijuana establishment at distances greater than or less than 1,000 feet but not less  
13 than 500 feet from the property line of a preexisting public or private school, that  
14 greater or lesser distance applies. As used in this paragraph, "school" has the same  
15 meaning as in section 402, subsection 2, paragraph A; and

16 D. May not violate any other requirement or restriction on signs, advertising and  
17 marketing imposed by the department by rule pursuant to subsection 2.

18 **2. Rules on signs, advertising and marketing.** The department shall adopt rules  
19 regarding the placement and use of signs, advertising and marketing by or on behalf of a  
20 licensee, which may include, but are not limited to:

21 A. A prohibition on health or physical benefit claims in advertising or marketing,  
22 including, but not limited to, health or physical benefit claims on the label or  
23 packaging of adult use marijuana or an adult use marijuana product;

24 B. A prohibition on unsolicited advertising or marketing on the Internet, including,  
25 but not limited to, banner advertisements on mass-market websites;

26 C. A prohibition on opt-in advertising or marketing that does not permit an easy and  
27 permanent opt-out feature; and

28 D. A prohibition on advertising or marketing directed toward location-based devices,  
29 including, but not limited to, cellular telephones, unless the marketing is a mobile  
30 device application installed on the device by the owner of the device who is 21 years  
31 of age or older and includes a permanent and easy opt-out feature.

32 **§703. Other health and safety requirements and restrictions; rules**

33 **1. Requirements and restrictions for edible marijuana products.** In addition to  
34 all other applicable provisions of this subchapter, edible marijuana products to be sold or  
35 offered for sale by a licensee to a consumer in accordance with this chapter:

36 A. May be manufactured in geometric shapes or in the shape of a marijuana leaf;

37 B. Must be manufactured in a manner that results in the cannabinoid content within  
38 the product being homogeneous throughout the product or throughout each element  
39 of the product that has a cannabinoid content;

1 C. Must be manufactured in a manner that results in the amount of marijuana  
2 concentrate within the product being homogeneous throughout the product or  
3 throughout each element of the product that contains marijuana concentrate;

4 D. Must have a universal symbol stamped or embossed on each serving of the  
5 product;

6 E. May not be manufactured in the distinct shape of a human, animal or fruit;

7 F. May not contain more than 10 milligrams of THC per serving of the product and  
8 may not contain more than 100 milligrams of THC per package of the product;

9 G. May not contain additives that are:

10 (1) Toxic or harmful to human beings;

11 (2) Specifically designed to make the product more addictive or that are  
12 misleading to consumers; or

13 (3) Specifically designed to make the product appeal particularly to a person  
14 under 21 years of age; and

15 H. May not involve the addition of marijuana to a trademarked food or drink  
16 product, except when the trademarked product is used as a component of or  
17 ingredient in the edible marijuana product and the edible marijuana product is not  
18 advertised or described for sale as containing the trademarked product.

19 **2. Health and safety rules.** The department shall adopt labeling, packaging and  
20 other necessary health and safety rules for adult use marijuana and adult use marijuana  
21 products to be sold or offered for sale by a licensee to a consumer in accordance with this  
22 chapter. Rules adopted pursuant to this subsection must establish mandatory health and  
23 safety standards applicable to the cultivation of adult use marijuana, the manufacture of  
24 adult use marijuana products and the packaging and labeling of adult use marijuana and  
25 adult use marijuana products sold by a licensee to a consumer. Such rules must address,  
26 but are not limited to:

27 A. Requirements for the storage, warehousing and transportation of adult use  
28 marijuana and adult use marijuana products by licensees;

29 B. Sanitary standards for marijuana establishments, including, but not limited to,  
30 sanitary standards for the manufacture of adult use marijuana and adult use marijuana  
31 products; and

32 C. Limitations on the display of adult use marijuana and adult use marijuana  
33 products at marijuana stores.

34 **§704. Coordination with labeling and packaging rules for marijuana and marijuana**  
35 **products for medical use**

36 In adopting rules and regulating the labeling and packaging of adult use marijuana  
37 and adult use marijuana products under this subchapter, the department shall ensure that,  
38 when necessary and practicable, the regulation of the labeling and packaging of adult use  
39 marijuana and adult use marijuana products under this subchapter is consistent with the

1 regulation of the labeling and packaging of marijuana and marijuana products for medical  
2 use under the Maine Medical Use of Marijuana Act.

4 **SUBCHAPTER 8**

5 **LICENSE VIOLATIONS; PENALTIES**

6 **§801. Department may impose penalty on licensee for license violation; Maine**  
7 **Administrative Procedure Act applies**

8 The department, on its own initiative or on complaint and after investigation, notice  
9 and the opportunity for a public hearing, by written order may impose a monetary penalty  
10 on a licensee or suspend or revoke the licensee's license for a violation by the licensee or  
11 by an agent or employee of the licensee of the provisions of this chapter, the rules  
12 adopted pursuant to this chapter or the terms, conditions or provisions of the licensee's  
13 license.

14 **1. Additional penalties may be imposed.** Any penalties imposed by the department  
15 on a licensee pursuant to this subchapter are in addition to any criminal or civil penalties  
16 that may be imposed pursuant to other applicable laws or rules.

17 **2. Maine Administrative Procedure Act; appeals.** Except as otherwise provided  
18 in this subchapter or in rules adopted pursuant to this subchapter, the imposition of a  
19 monetary penalty, suspension or revocation on a licensee by the department, including,  
20 but not limited to, the provision of notice and the conduct of hearings, is governed by the  
21 Maine Administrative Procedure Act. A final order of the department imposing a  
22 monetary penalty on a licensee or suspending or revoking the licensee's license is a final  
23 agency action, as defined in Title 5, section 8002, subsection 4, and the licensee may  
24 appeal that final order to the Superior Court in accordance with Rule 80C of the Maine  
25 Rules of Civil Procedure.

26 **§802. Penalties**

27 **1. Monetary penalties.** A monetary penalty imposed by the department on a  
28 licensee pursuant to this subchapter may not exceed \$100,000 per license violation.

29 A. The department shall adopt rules setting forth potential amounts of monetary  
30 penalties to be imposed on a licensee based upon specific categories of unauthorized  
31 conduct by the licensee, including major and minor license violations, as follows:

32 (1) Not more than \$10,000 per minor license violation;

33 (2) Except as provided in subparagraph (3), not more than \$50,000 per major  
34 license violation; and

35 (3) Not more than \$100,000 per major license violation affecting public safety.

36 B. All monetary penalties imposed pursuant to this subchapter must be paid by the  
37 licensee to the department in the form of cash or in the form of a certified check or a  
38 cashier's check payable to the department. All monetary penalties paid to the

1 department pursuant to this subchapter must be deposited into the Adult Use  
2 Marijuana Regulatory Coordination Fund established in section 1102.

3 **2. License suspension.** A licensee whose license has been suspended pursuant to  
4 this subchapter may not, for the duration of the period of suspension, engage in any  
5 activities relating to the operation of the marijuana establishment the licensee is licensed  
6 to operate.

7 **3. License revocation.** A licensee whose license has been revoked pursuant to this  
8 subchapter shall cease immediately all activities relating to the operation of the marijuana  
9 establishment the licensee was previously licensed to operate and shall ensure that all  
10 adult use marijuana and adult use marijuana products in the possession of the licensee are  
11 forfeited to the department for destruction in accordance with section 803.

12 **4. Imposition of monetary penalty upon suspension or revocation.** In addition to  
13 suspending or revoking a licensee's license, the department may impose a monetary  
14 penalty on the licensee consistent with this section.

15 **§803. Disposition of unauthorized marijuana or marijuana products of licensee**

16 **1. Order; destruction of marijuana or marijuana products.** If the department  
17 issues a final order imposing a monetary penalty on or a license suspension or revocation  
18 against a licensee pursuant to this subchapter, the department may specify in the order, in  
19 addition to any other penalties imposed in the order, that all or a portion of the marijuana  
20 or marijuana products in the possession of the licensee are not authorized under this  
21 chapter and are subject to destruction. A licensee subject to a final order directing the  
22 destruction of marijuana or marijuana products in the possession of the licensee shall  
23 forfeit the marijuana and marijuana products described in the order to the department for  
24 destruction.

25 **2. Investigation.** If the department is notified by a criminal justice agency that there  
26 is a pending investigation of a licensee subject to an order imposed under subsection 1,  
27 the department may not destroy any marijuana or marijuana products of that licensee until  
28 the destruction is approved by the criminal justice agency.

29 **§804. Rules**

30 The department shall adopt rules governing the imposition of monetary penalties,  
31 suspensions and revocations under this subchapter, which must include, but are not  
32 limited to, provisions relating to notice and conduct of hearings consistent with the Maine  
33 Administrative Procedure Act and provisions relating to the disposition of unauthorized  
34 marijuana and marijuana products of a licensee.

35 **SUBCHAPTER 9**

36 **MARIJUANA ADVISORY COMMISSION**

37 **§901. Establishment**

38 The Marijuana Advisory Commission, established by Title 5, section 12004-I,  
39 subsection 52-C and referred to in this subchapter as "the commission," is created for the

1 purpose of conducting a continuing study of the laws relating to marijuana and reporting  
2 to the Legislature its findings and recommendations on an annual basis.

3 **§902. Membership; chairs; terms; vacancies; quorum**

4 **1. Membership.** The commission consists of the following 15 members:

5 A. Two members of the Senate, including members from each of the 2 parties  
6 holding the largest number of seats in the Legislature, appointed by the President of  
7 the Senate;

8 B. Two members of the House of Representatives, including members from each of  
9 the 2 parties holding the largest number of seats in the Legislature, appointed by the  
10 Speaker of the House of Representatives;

11 C. The Commissioner of Administrative and Financial Services or the  
12 commissioner's designee;

13 D. The Commissioner of Agriculture, Conservation and Forestry or the  
14 commissioner's designee;

15 E. The Commissioner of Health and Human Services or the commissioner's  
16 designee;

17 F. The Commissioner of Labor or the commissioner's designee;

18 G. The Commissioner of Public Safety or the commissioner's designee;

19 H. The following 3 members, appointed by the President of the Senate:

20 (1) A representative of a statewide association representing prosecutors;

21 (2) A representative of a statewide association representing the medical  
22 marijuana industry; and

23 (3) A member of the public; and

24 I. The following 3 members, appointed by the Speaker of the House of  
25 Representatives:

26 (1) A representative of a statewide association representing the adult use  
27 marijuana industry;

28 (2) A member of the public with demonstrated expertise and credentials in  
29 public health policy; and

30 (3) A member of the public.

31 **2. Chairs.** The first-named Senate member is the Senate chair and the first-named  
32 House member is the House chair of the commission.

33 **3. Terms.** Members of the commission who are Legislators serve during the term of  
34 office for which they were elected. Other members of the commission serve for a term of  
35 2 years and may be reappointed.

1            **4. Vacancies.** In the event of a vacancy on the commission, the member's unexpired  
2 term must be filled through an appointment by the appointing authority for the vacant  
3 seat.

4            **5. Quorum.** A quorum of the commission consists of 8 members.

5            **§903. Duties**

6            **1. Review of laws and rules.** The commission shall review laws and rules  
7 pertaining to the adult use marijuana and medical marijuana industries in this State and  
8 any other provision of law or rule pertaining to marijuana, including, but not limited to,  
9 laws and rules regarding public health, public safety, juvenile and adult criminal and civil  
10 offenses, workplace drug testing, workplace safety, motor vehicle safety, landlords and  
11 tenants, the personal use of marijuana and taxes and fees paid to the State by applicants  
12 and registered primary caregivers and registered dispensaries under the Maine Medical  
13 Use of Marijuana Act and applicants and licensees under this Act.

14            **2. Solicitation of public comment regarding law enforcement contacts with**  
15 **citizens.** The commission shall, on an annual basis, solicit public comment regarding  
16 contacts between law enforcement officers and citizens following the initiation of an  
17 adult use marijuana market in the State that involve the personal adult use of marijuana  
18 and marijuana products and the home cultivation of marijuana for personal adult use.  
19 The public comments solicited under this subsection and any findings or  
20 recommendations by the commission relating to those solicited comments must be  
21 included in the annual report under subsection 5.

22            **3. Submission of recommendations to Legislature.** The commission shall submit  
23 to the Legislature such recommended changes to the laws as it considers appropriate to:

24            **A.** Preserve the public health and safety and the well-being of the citizens of the  
25 State;

26            **B.** Preserve the intent of the citizens of the State as expressed in passage of the  
27 Marijuana Legalization Act, former Title 7, chapter 417; and

28            **C.** Standardize, coordinate or integrate the adult use marijuana and medical  
29 marijuana laws, rules and programs in the State, including, but not limited to,  
30 recommended changes regarding the standardization, coordination or integration of  
31 the laws and rules relating to the testing, labeling and packaging of adult use  
32 marijuana and adult use marijuana products and marijuana and marijuana products  
33 for medical use.

34            The commission shall include any recommended changes in its annual report to the  
35 Legislature pursuant to subsection 5.

36            **4. Public hearings.** The commission may hold public hearings at such times and at  
37 such places as the commission considers appropriate in order to take testimony  
38 concerning the use, possession and distribution of marijuana, law enforcement contacts  
39 with citizens as described in subsection 2, the alignment of this Act with other provisions  
40 of law and any other matter relating to the duties of the commission.

41            **5. Report to Legislature.** Beginning January 15, 2020, and annually thereafter, the  
42 commission shall submit a report containing its findings and recommendations, together

1 with any suggested legislation, to the joint standing committees of the Legislature having  
2 jurisdiction over health and human services matters and adult use marijuana matters.

3 **§904. Organization; staffing; consultation**

4 **1. Organization; staffing.** The Legislative Council shall provide staffing services to  
5 the commission, except that Legislative Council staff support is not authorized when the  
6 Legislature is in regular or special session. The Executive Director of the Legislative  
7 Council shall notify all members of the commission of the time and place of the first  
8 meeting.

9 **2. Consultation.** Whenever the commission considers it appropriate, it may seek the  
10 advice of consultants or experts, including representatives of the legislative and executive  
11 branches of State Government, in fields related to its duties.

12 **§905. Reimbursement of expenses**

13 Members of the commission must be compensated in accordance with Title 5, chapter  
14 379.

15 **SUBCHAPTER 10**

16 **EXCISE TAX ON ADULT USE MARIJUANA**

17 **§1001. Excise tax imposed**

18 Beginning on the first day of the calendar month in which adult use marijuana may be  
19 sold in the State by a cultivation facility under this chapter, an excise tax on adult use  
20 marijuana is imposed in accordance with this subchapter.

21 **1. Excise tax on marijuana flower and mature marijuana plants.** A cultivation  
22 facility licensee shall pay an excise tax of \$335 per pound of marijuana flower or mature  
23 marijuana plants sold to other licensees in the State.

24 **2. Excise tax on marijuana trim.** A cultivation facility licensee shall pay an excise  
25 tax of \$94 per pound of marijuana trim sold to other licensees in the State.

26 **3. Excise tax on immature marijuana plants and seedlings.** A cultivation facility  
27 licensee shall pay an excise tax of \$1.50 per immature marijuana plant or seedling sold to  
28 other licensees in the State.

29 **4. Excise tax on marijuana seeds.** A cultivation facility licensee shall pay an excise  
30 tax of \$0.30 per marijuana seed sold to other licensees in the State.

31 **§1002. Payment of excise tax**

32 On or before the last day of each month, a cultivation facility licensee shall pay to the  
33 department all excise taxes due under this subchapter on the adult use marijuana sold by  
34 the cultivation facility licensee to other licensees during the preceding calendar month.

1 **§1003. Application of excise tax revenue**

2 All excise tax revenue collected by the department pursuant to this subchapter on the  
3 sale of adult use marijuana must be deposited into the General Fund, except that, on or  
4 before the last day of each month, the department shall transfer 12% of the excise tax  
5 revenue received by the department during the preceding month pursuant to this  
6 subchapter to the Adult Use Marijuana Public Health and Safety Fund established under  
7 section 1101.

8 **SUBCHAPTER 11**

9 **ADULT USE MARIJUANA PUBLIC HEALTH AND SAFETY FUND;**  
10 **ADULT USE MARIJUANA REGULATORY COORDINATION FUND**

11 **§1101. Adult Use Marijuana Public Health and Safety Fund**

12 The Adult Use Marijuana Public Health and Safety Fund, referred to in this section as  
13 "the fund," is established as a dedicated, nonlapsing fund within the department for the  
14 purposes specified in this section.

15 **1. Sources of fund.** The State Controller shall credit to the fund:

16 A. Money received from the excise tax imposed on the sale of adult use marijuana by  
17 a cultivation facility licensee to other licensees pursuant to subchapter 10 in the  
18 amount required under section 1003;

19 B. Money received from the sales tax imposed on the sale of adult use marijuana and  
20 adult use marijuana products by a marijuana store licensee to a consumer pursuant to  
21 Title 36, section 1811 in the amount required under Title 36, section 1818;

22 C. All money from any other source, whether public or private, designated for  
23 deposit into or credited to the fund; and

24 D. Interest earned or other investment income on balances in the fund.

25 **2. Uses of fund.** Money credited to the fund pursuant to subsection 1 may be used  
26 by the department as provided in this subsection.

27 A. No more than 50% of all money credited to the fund may be expended by the  
28 department to fund public health and safety awareness and education programs,  
29 initiatives, campaigns and activities relating to the sale and use of adult use marijuana  
30 and adult use marijuana products conducted in accordance with section 108 by the  
31 department, another state agency or department or any other public or private entity.

32 B. No more than 50% of all money credited to the fund may be expended by the  
33 department to fund enhanced law enforcement training programs relating to the sale  
34 and use of adult use marijuana and adult use marijuana products for local, county and  
35 state law enforcement officers conducted in accordance with section 109 by the  
36 department, the Maine Criminal Justice Academy, another state agency or department  
37 or any other public or private entity.



1 G. Subject to the limitations imposed under paragraph E, purchase up to 12  
2 immature marijuana plants or seedlings from a nursery cultivation facility as  
3 described in section 301, subsection 5 or from a marijuana store.

4 For the purposes of this subsection, "remuneration" includes a donation or any other  
5 monetary payment received directly or indirectly by a person in exchange for goods or  
6 services as part of a transaction in which marijuana, marijuana products or marijuana  
7 plants are transferred or furnished by that person to another person.

8 **2. Consumption of marijuana and marijuana products; violation.** The  
9 provisions of this subsection apply to the consumption of marijuana or marijuana  
10 products by a person 21 years of age or older.

11 A. A person 21 years of age or older may consume marijuana or marijuana products  
12 only if that person is:

13 (1) In a private residence, including curtilage; or

14 (2) On private property, not generally accessible by the public, and the person is  
15 explicitly permitted to consume marijuana or marijuana products on the property  
16 by the owner of the property.

17 B. A person 21 years of age or older may not consume marijuana or marijuana  
18 products:

19 (1) If that person is the operator of a vehicle on a public way or a passenger in  
20 the vehicle. As used in this subparagraph, "vehicle" has the same meaning as in  
21 Title 29-A, section 101, subsection 91;

22 (2) In a private residence or on private property used as a day care or baby-  
23 sitting service during the hours in which the residence or property is being  
24 operated as a day care or baby-sitting service;

25 (3) By means of smoking the marijuana or marijuana product in a designated  
26 smoking area as provided under the Workplace Smoking Act of 1985; or

27 (4) By means of smoking the marijuana or marijuana product in a public place or  
28 in a public area where smoking is prohibited under Title 22, chapter 262.

29 C. A person who violates this subsection commits a civil violation for which a fine  
30 of not more than \$100 may be adjudged in addition to any criminal or civil penalties  
31 that may be imposed pursuant to other applicable laws or rules.

32 **§1502. Home cultivation of marijuana for personal adult use**

33 The provisions of this section apply to the home cultivation of marijuana for personal  
34 adult use by a person 21 years of age or older, but do not apply to the cultivation of  
35 marijuana for medical use by a qualifying patient, a primary caregiver, a registered  
36 primary caregiver or a registered dispensary as authorized by the Maine Medical Use of  
37 Marijuana Act.

38 **1. Cultivation of up to 3 mature marijuana plants per person for personal adult**  
39 **use authorized.** Subject to the applicable requirements and restrictions of subsections 2,  
40 3 and 4, a person 21 years of age or older may cultivate up to 3 mature marijuana plants,

1 up to 12 immature marijuana plants and an unlimited number of seedlings for personal  
2 adult use:

3 A. On a parcel or tract of land on which the person is domiciled;

4 B. On a parcel or tract of land owned by the person on which the person is not  
5 domiciled; or

6 C. On a parcel or tract of land not owned by the person and on which the person is  
7 not domiciled so long as the owner of the parcel or tract of land by written agreement  
8 permits the cultivation and care of the marijuana plants on the parcel or tract of land  
9 by that person.

10 A person may cultivate the marijuana plants and seedlings authorized under this  
11 subsection at multiple locations so long as such cultivation activities otherwise meet all  
12 requirements and restrictions of this section.

13 **2. Cultivation requirements.** A person who cultivates marijuana for personal adult  
14 use pursuant to this section shall:

15 A. Ensure that the marijuana is not visible from a public way without the use of  
16 aircraft or binoculars or other optical aids;

17 B. Take reasonable precautions to prevent unauthorized access by a person under 21  
18 years of age;

19 C. Attach to each mature marijuana plant and each immature marijuana plant a  
20 legible tag that includes the person's name, driver's license number or identification  
21 number, a notation that the marijuana plant is being grown for personal adult use as  
22 authorized under this section and, if the cultivation is on a parcel or tract of land  
23 owned by another person, the name of that owner; and

24 D. Comply with all applicable local regulations relating to the home cultivation of  
25 marijuana for personal adult use that have been adopted in accordance with  
26 subsection 3 or 4.

27 **3. Local regulation of home cultivation of marijuana for personal adult use**  
28 **within municipalities.** In accordance with this subchapter and pursuant to the home rule  
29 authority granted under the Constitution of Maine, Article VIII, Part Second and Title  
30 30-A, section 3001, a municipality may regulate the home cultivation of marijuana for  
31 personal adult use within the municipality.

32 A. A municipality may adopt an ordinance or other regulation limiting the total  
33 number of mature marijuana plants that may be cultivated on any one parcel or tract  
34 of land within the municipality so long as that ordinance or regulation allows for the  
35 cultivation of 3 mature marijuana plants, 12 immature marijuana plants and an  
36 unlimited number of seedlings by each person 21 years of age or older who is  
37 domiciled on a parcel or tract of land.

38 B. A municipality may not generally prohibit the home cultivation of marijuana for  
39 personal adult use within the municipality, restrict the areas within the municipality  
40 in which home cultivation of marijuana for personal adult use is allowed or charge a  
41 license or other fee to a person relating to the home cultivation of marijuana for  
42 personal adult use within the municipality.

1           **4. Local regulation of home cultivation of marijuana for personal adult use**  
2 **within town, plantation or township in unorganized and deorganized areas.** In  
3 accordance with this subchapter and pursuant to the authority granted under Title 12,  
4 chapter 206-A, the Maine Land Use Planning Commission may regulate the home  
5 cultivation of marijuana for personal adult use within a town, plantation or township in  
6 the unorganized and deorganized areas.

7           A. The Maine Land Use Planning Commission may limit the total number of mature  
8 marijuana plants that may be cultivated on any one parcel or tract of land within a  
9 town, plantation or township in the unorganized and deorganized areas so long as that  
10 limitation allows for the cultivation of 3 mature marijuana plants, 12 immature  
11 marijuana plants and an unlimited number of seedlings by each person 21 years of  
12 age or older who is domiciled on a parcel or tract of land.

13           B. The Maine Land Use Planning Commission may not generally prohibit the home  
14 cultivation of marijuana for personal adult use within a town, plantation or township  
15 in the unorganized and deorganized areas; restrict the areas within the town,  
16 plantation or township in which home cultivation of marijuana for personal adult use  
17 is allowed; or charge a license or other fee to a person relating to the home cultivation  
18 of marijuana for personal adult use within the town, plantation or township.

19           **§1503. Home extraction of marijuana concentrate by use of inherently hazardous**  
20 **substance prohibited**

21           Except as authorized under section 502, subsection 7 or pursuant to the Maine  
22 Medical Use of Marijuana Act, a person may not manufacture marijuana concentrate  
23 using an inherently hazardous substance. The owner of a property or a parcel or tract of  
24 land may not intentionally or knowingly allow another person to manufacture marijuana  
25 concentrate using an inherently hazardous substance within or on that property or land.

26           **§1504. Violations; penalties**

27           Except as provided in section 1501, subsection 2, a person who violates any provision  
28 of this chapter is subject to forfeiture or seizure of any unauthorized marijuana, marijuana  
29 products or marijuana plants pursuant to Title 15, chapter 517 and is subject to any  
30 additional criminal or civil penalties that may be imposed pursuant to other applicable  
31 laws or rules.

32           **Sec. A-7. Possession, cultivation and transportation of up to 6 mature**  
33 **marijuana plants authorized for 6-month period following effective date of**  
34 **Act.** Notwithstanding any provision of the Maine Revised Statutes, Title 28-B, chapter 3  
35 to the contrary, and subject to the same cultivation restrictions and requirements of Title  
36 28-B, section 1502, subsections 1 and 2 that are applicable to the possession, cultivation  
37 and transportation of up to 3 mature marijuana plants by a person 21 years of age or older  
38 as authorized under the Marijuana Legalization Act, for the period beginning on the  
39 effective date of this Act and ending 6 months after that date, a person 21 years of age or  
40 older may possess, cultivate and transport up to 6 mature marijuana plants.

41           **Sec. A-8. Transfer of funds; Adult Use Marijuana Regulatory**  
42 **Coordination Fund.** Notwithstanding any other provision of law to the contrary, the  
43 State Controller, no later than 5 days after the effective date of this Act, shall transfer the

1 balance of the Retail Marijuana Regulatory Coordination Fund in the Department of  
2 Administrative and Financial Services to the Adult Use Marijuana Regulatory  
3 Coordination Fund in the Department of Administrative and Financial Services.

4 **Sec. A-9. Department of Administrative and Financial Services;**  
5 **acceptance and processing of applications.** No later than 30 days after the final  
6 adoption of rules by the Department of Administrative and Financial Services pursuant to  
7 the authority granted in the Marijuana Legalization Act established pursuant to the Maine  
8 Revised Statutes, Title 28-B, chapter 1, the department shall begin accepting and  
9 processing applications for licenses to operate marijuana establishments under the  
10 Marijuana Legalization Act.

11 **Sec. A-10. Department of Administrative and Financial Services; time**  
12 **frame for action on applications.** Notwithstanding the Maine Revised Statutes, Title  
13 28-B, section 205, subsection 3, the Department of Administrative and Financial Services  
14 may take longer than 90 days to act on any application for a license to operate a  
15 marijuana establishment under the Marijuana Legalization Act established pursuant to  
16 Title 28-B, chapter 1 that is received by the department during the period between the  
17 date that the department first begins accepting and processing applications under the  
18 Marijuana Legalization Act and 6 months from that date.

19 **PART B**

20 **Sec. B-1. 15 MRSA §5821, first ¶,** as amended by IB 1999, c. 1, §2, is further  
21 amended to read:

22 Except as provided in section 5821-A or 5821-B, the following are subject to  
23 forfeiture to the State and no property right may exist in them:

24 **Sec. B-2. 15 MRSA §5821-B** is enacted to read:

25 **§5821-B. Property not subject to forfeiture based on adult use of marijuana**

26 Property is not subject to forfeiture under this chapter if the activity that subjects the  
27 person's property to forfeiture is the adult use of marijuana pursuant to a license issued  
28 under Title 28-B, chapter 1 or relating to the personal adult use of marijuana pursuant to  
29 Title 28-B, chapter 3 and the person meets all applicable requirements for the adult use of  
30 marijuana pursuant to Title 28-B.

31 **Sec. B-3. 17-A MRSA §1103, sub-§1-B,** as enacted by PL 2001, c. 383, §115  
32 and affected by §156, is amended to read:

33 **1-B.** A person is not guilty of unlawful trafficking in a scheduled drug if the  
34 conduct that constitutes the trafficking is either:

35 A. Expressly authorized by Title 22, Title 28-B or Title 32; or

36 B. Expressly made a civil violation by Title 22 or Title 28-B.

37 **Sec. B-4. 17-A MRSA §1106, sub-§1-B,** as enacted by PL 2001, c. 383, §121  
38 and affected by §156, is amended to read:

1           **1-B.** A person is not guilty of unlawful furnishing of a scheduled drug if the  
2 conduct that constitutes the furnishing is expressly:

3           A. Authorized by Title 22, Title 28-B or Title 32; or

4           B. Made a civil violation by Title 22 or Title 28-B.

5           **Sec. B-5. 17-A MRSA §1107-A, sub-§2**, as enacted by PL 2001, c. 383, §127  
6 and affected by §156, is amended to read:

7           **2.** A person is not guilty of unlawful possession of a scheduled drug if the conduct  
8 that constitutes the possession is expressly:

9           A. Authorized by Title 22, Title 28-B or Title 32; or

10          B. Made a civil violation by Title 22 or Title 28-B.

11          **Sec. B-6. 17-A MRSA §1111-A, sub-§1**, as corrected by RR 2015, c. 1, §11, is  
12 amended to read:

13          **1.** As used in this section the term "drug paraphernalia" means all equipment,  
14 products and materials of any kind that are used or intended for use in planting,  
15 propagating, cultivating, growing, harvesting, manufacturing, compounding, converting,  
16 producing, processing, preparing, testing, analyzing, packaging, repackaging, storing,  
17 containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the  
18 human body a scheduled drug in violation of this chapter or Title 22, section 2383, except  
19 that this section does not apply to a person who is authorized to possess marijuana for  
20 medical use pursuant to Title 22, chapter 558-C, to the extent the drug paraphernalia is  
21 used for that person's medical use of marijuana; to a person who is authorized to possess  
22 marijuana pursuant to Title 28-B, to the extent the drug paraphernalia is used for that  
23 person's adult use of marijuana; or to a marijuana store licensed pursuant to Title 28-B, to  
24 the extent that the drug paraphernalia relates to the sale or offering for sale of marijuana  
25 by the marijuana store. It includes, but is not limited to:

26          A. Kits used or intended for use in planting, propagating, cultivating, growing or  
27 harvesting of any species of plant which is a scheduled drug or from which a  
28 scheduled drug can be derived;

29          B. Kits used or intended for use in manufacturing, compounding, converting,  
30 producing, processing or preparing scheduled drugs;

31          C. Isomerization devices used or intended for use in increasing the potency of any  
32 species of plant that is a scheduled drug;

33          D. Testing equipment used or intended for use in identifying or in analyzing the  
34 strength, effectiveness or purity of scheduled drugs;

35          E. Scales and balances used or intended for use in weighing or measuring scheduled  
36 drugs;

37          F. Dilutants and adulterants, such as quinine hydrochloride, mannitol, mannite,  
38 dextrose and lactose, used or intended for use in cutting scheduled drugs;

39          G. Separation gins and sifters, used or intended for use in removing twigs and seeds  
40 from, or in otherwise cleaning or refining, marijuana;

- 1 H. Blenders, bowls, containers, spoons and mixing devices used or intended for use  
2 in compounding scheduled drugs;
- 3 I. Capsules, balloons, envelopes and other containers used or intended for use in  
4 packaging small quantities of scheduled drugs;
- 5 J. Containers and other objects used or intended for use in storing or concealing  
6 scheduled drugs; and
- 7 K. Objects used or intended for use in ingesting, inhaling or otherwise introducing  
8 marijuana, cocaine, hashish or hashish oil into the human body, such as:
- 9 (1) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without  
10 screens, permanent screens, hashish heads or punctured metal bowls;
- 11 (2) Water pipes;
- 12 (3) Carburetion tubes and devices;
- 13 (4) Smoking and carburetion masks;
- 14 (5) Roach clips, meaning objects used to hold burning material, such as a  
15 marijuana cigarette that has become too small or too short to be held in the hand;
- 16 (6) Miniature cocaine spoons and cocaine vials;
- 17 (7) Chamber pipes;
- 18 (8) Carburetor pipes;
- 19 (9) Electric pipes;
- 20 (10) Air-driven pipes;
- 21 (11) Chillums;
- 22 (12) Bongs; or
- 23 (13) Ice pipes or chillers.

24 **Sec. B-7. 17-A MRSA §1111-A, sub-§§4-A and 4-B**, as enacted by PL 2011,  
25 c. 464, §20, are amended to read:

26 **4-A.** Except as provided in Title 22, chapter 558-C or in Title 28-B, a person is  
27 guilty of use of drug paraphernalia if:

28 A. The person trafficks in or furnishes drug paraphernalia knowing, or under  
29 circumstances when that person reasonably should know, that it will be used to plant,  
30 propagate, cultivate, grow, harvest, manufacture, compound, convert, produce,  
31 process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest,  
32 inhale or otherwise introduce into the human body a scheduled drug in violation of  
33 this chapter or Title 22, section 2383, and the person to whom that person is  
34 trafficking or furnishing drug paraphernalia is:

- 35 (1) At least 16 years of age. Violation of this subparagraph is a Class E crime;  
36 or

1 (2) Less than 16 years of age. Violation of this subparagraph is a Class D crime;  
2 or

3 B. The person places in a newspaper, magazine, handbill or other publication an  
4 advertisement knowing, or under circumstances when that person reasonably should  
5 know, that the purpose of the advertisement, in whole or in part, is to promote the  
6 sale of objects intended for use as drug paraphernalia. Violation of this paragraph is  
7 a Class E crime.

8 **4-B.** Except as provided in Title 22, chapter 558-C or in Title 28-B, a person  
9 commits a civil violation if:

10 A. The person in fact uses drug paraphernalia to plant, propagate, cultivate, grow,  
11 harvest, manufacture, compound, convert, produce, process, prepare, test, analyze,  
12 pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into  
13 the human body a scheduled drug in violation of this chapter or Title 22, section  
14 2383. Violation of this paragraph is a civil violation for which a fine of \$300 must be  
15 adjudged, none of which may be suspended; or

16 B. The person possesses with intent to use drug paraphernalia to plant, propagate,  
17 cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare,  
18 test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise  
19 introduce into the human body a scheduled drug in violation of this chapter or Title  
20 22, section 2383. Violation of this paragraph is a civil violation for which a fine of  
21 \$300 must be adjudged, none of which may be suspended.

22 **Sec. B-8. 17-A MRSA §1114**, as enacted by PL 1975, c. 499, §1, is amended to  
23 read:

24 **§1114. Schedule Z drugs; contraband subject to seizure**

25 All scheduled Z drugs, the unauthorized possession of which constitutes a civil  
26 violation under Title 22 or Title 28-B, are ~~hereby declared~~ contraband, and may be seized  
27 and confiscated by the State.

28 **Sec. B-9. 17-A MRSA §1115**, as enacted by PL 1975, c. 499, §1 and amended by  
29 c. 740, §106-A, is further amended to read:

30 **§1115. Notice of conviction**

31 On the conviction of any person of ~~the a~~ violation of any provision of this chapter, or  
32 on ~~his a~~ a person's being found liable for a civil violation under Title 22 or Title 28-B, a  
33 copy of the judgment or sentence and of the opinion of the court or judge, if any opinion  
34 ~~be is~~ filed, ~~shall~~ must be sent by the clerk of court or by the judge to the board or officer,  
35 if any, by whom the person has been licensed or registered to practice ~~his that~~ that person's  
36 profession or to carry on ~~his that~~ that person's business if the court finds that such conviction  
37 or liability renders ~~sueh that~~ that person unfit to engage in ~~sueh that~~ that person's profession or  
38 business. The court ~~may~~, in its discretion, may suspend or revoke the license or  
39 registration of the person to practice ~~his that~~ that person's profession or to carry on ~~his that~~  
40 that person's business if the court finds that such conviction or liability renders ~~sueh that~~  
41 that person unfit to engage in ~~sueh that~~ that person's profession or business. On the application of  
42 any person whose license or registration has been suspended or revoked and upon proper

1 showing and for good cause, said a board or officer may reinstate such that person's  
2 license or registration.

3 **Sec. B-10. 17-A MRSA §1117, sub-§4**, as enacted by PL 2009, c. 631, §3 and  
4 affected by §51, is amended to read:

5 **4.** A person is not guilty of cultivating marijuana if the conduct is expressly  
6 authorized by Title 22, chapter 558-C or Title 28-B.

7 **Sec. B-11. 25 MRSA §1542-A, sub-§1, ¶O** is enacted to read:

8 O. Who is required to submit to a criminal history record check pursuant to Title  
9 28-B, section 204.

10 **Sec. B-12. 25 MRSA §1542-A, sub-§3, ¶N** is enacted to read:

11 N. The State Police shall take or cause to be taken the fingerprints of the person  
12 named in subsection 1, paragraph O at the request of that person and upon payment  
13 of the expenses by that person as provided under Title 28-B, section 204.

14 **Sec. B-13. 25 MRSA §1542-A, sub-§4**, as amended by PL 2017, c. 253, §4 and  
15 c. 258, Pt. B, §4, is repealed and the following enacted in its place:

16 **4. Duty to submit to State Bureau of Identification.** It is the duty of the law  
17 enforcement agency taking the fingerprints as required by subsection 3, paragraphs A, B  
18 and G to transmit immediately to the State Bureau of Identification the criminal  
19 fingerprint record. Fingerprints taken pursuant to subsection 1, paragraph C, D, E or F or  
20 pursuant to subsection 5 may not be submitted to the State Bureau of Identification unless  
21 an express request is made by the commanding officer of the State Bureau of  
22 Identification. Fingerprints taken pursuant to subsection 1, paragraph G must be  
23 transmitted immediately to the State Bureau of Identification to enable the bureau to  
24 conduct state and national criminal history record checks for the Department of  
25 Education. The bureau may not use the fingerprints for any purpose other than that  
26 provided for under Title 20-A, section 6103. The bureau shall retain the fingerprints,  
27 except as provided under Title 20-A, section 6103, subsection 9. Fingerprints taken  
28 pursuant to subsection 1, paragraph I and subsection 3, paragraph I must be transmitted  
29 immediately to the State Bureau of Identification to enable the bureau to conduct state  
30 and national criminal history record checks for the court and the Department of Public  
31 Safety, Gambling Control Board, respectively. Fingerprints taken pursuant to subsection  
32 1, paragraph J, K or L must be transmitted immediately to the State Bureau of  
33 Identification to enable the bureau to conduct state and national criminal history record  
34 checks for the Department of Administrative and Financial Services, Bureau of Revenue  
35 Services. Fingerprints taken pursuant to subsection 1, paragraph M must be transmitted  
36 immediately to the State Bureau of Identification to enable the bureau to conduct state  
37 and national criminal history record checks for the Board of Osteopathic Licensure,  
38 established in Title 32, chapter 36. Fingerprints taken pursuant to subsection 1, paragraph  
39 N must be transmitted immediately to the State Bureau of Identification to enable the  
40 bureau to conduct state and national criminal history record checks for the Board of  
41 Licensure in Medicine, established in Title 32, chapter 48. Fingerprints taken pursuant to  
42 subsection 1, paragraph M must be transmitted immediately to the State Bureau of  
43 Identification to enable the bureau to conduct state and national criminal history record

1 checks for the State Board of Nursing. Fingerprints taken pursuant to subsection 1,  
2 paragraph O must be transmitted immediately to the State Bureau of Identification to  
3 enable the bureau to conduct state and national criminal history record checks under Title  
4 28-B, section 204.

5 **PART C**

6 **Sec. C-1. 30-A MRSA §4452, sub-§5, ¶U**, as corrected by RR 2007, c. 2, §17,  
7 is amended to read:

8 U. Standards under a wind energy development certification issued by the  
9 Department of Environmental Protection pursuant to Title 35-A, section 3456 if the  
10 municipality chooses to enforce those standards; ~~and~~

11 **Sec. C-2. 30-A MRSA §4452, sub-§5, ¶V**, as reallocated by RR 2007, c. 2, §18,  
12 is amended to read:

13 V. The Maine Uniform Building and Energy Code, adopted pursuant to Title 10,  
14 chapter 1103-; ~~and~~

15 **Sec. C-3. 30-A MRSA §4452, sub-§5, ¶W** is enacted to read:

16 W. Local land use and business licensing ordinances adopted pursuant to Title 28-B,  
17 chapter 1, subchapter 4.

18 **Sec. C-4. 30-A MRSA §7063** is enacted to read:

19 **§7063. Adult use marijuana**

20 A plantation has the same powers and duties, and is subject to the same restrictions  
21 and requirements, as a municipality under section 4452, subsection 5, paragraph W and  
22 under Title 28-B, chapters 1 and 3.

23 **PART D**

24 **Sec. D-1. 36 MRSA §1752, sub-§§1-I, 1-J and 6-D** are enacted to read:

25 **1-I. Adult use marijuana.** "Adult use marijuana" has the same meaning as in Title  
26 28-B, section 102, subsection 1.

27 **1-J. Adult use marijuana product.** "Adult use marijuana product" has the same  
28 meaning as in Title 28-B, section 102, subsection 2.

29 **6-D. Marijuana establishment.** "Marijuana establishment" has the same meaning  
30 as in Title 28-B, section 102, subsection 29.

31 **Sec. D-2. 36 MRSA §1811, first ¶**, as amended by PL 2015, c. 267, Pt. OOOO,  
32 §5 and affected by §7, is further amended to read:

33 A tax is imposed on the value of all tangible personal property, products transferred  
34 electronically and taxable services sold at retail in this State. The rate of tax is 7% on the  
35 value of liquor sold in licensed establishments as defined in Title 28-A, section 2,  
36 subsection 15, in accordance with Title 28-A, chapter 43; 7% on the value of rental of

1 living quarters in any hotel, rooming house or tourist or trailer camp; 10% on the value of  
2 rental for a period of less than one year of an automobile, of a pickup truck or van with a  
3 gross vehicle weight of less than 26,000 pounds rented from a person primarily engaged  
4 in the business of renting automobiles or of a loaner vehicle that is provided other than to  
5 a motor vehicle dealer's service customers pursuant to a manufacturer's or dealer's  
6 warranty; 7% on the value of prepared food; and 5% on the value of all other tangible  
7 personal property and taxable services and products transferred electronically.  
8 Notwithstanding the other provisions of this section, from October 1, 2013 to December  
9 31, 2015, the rate of tax is 8% on the value of rental of living quarters in any hotel,  
10 rooming house or tourist or trailer camp; 8% on the value of prepared food; 8% on the  
11 value of liquor sold in licensed establishments as defined in Title 28-A, section 2,  
12 subsection 15, in accordance with Title 28-A, chapter 43; and 5.5% on the value of all  
13 other tangible personal property and taxable services and products transferred  
14 electronically. Notwithstanding the other provisions of this section, beginning January 1,  
15 2016, the rate of tax is 9% on the value of rental of living quarters in any hotel, rooming  
16 house or tourist or trailer camp; 8% on the value of prepared food; 8% on the value of  
17 liquor sold in licensed establishments as defined in Title 28-A, section 2, subsection 15,  
18 in accordance with Title 28-A, chapter 43; and 5.5% on the value of all other tangible  
19 personal property and taxable services and products transferred electronically.  
20 Notwithstanding the other provisions of this section, beginning on the first day of the  
21 calendar month in which adult use marijuana and adult use marijuana products may be  
22 sold in the State by a marijuana establishment licensed to conduct retail sales pursuant to  
23 Title 28-B, chapter 1, the rate of tax is 10% on the value of adult use marijuana and adult  
24 use marijuana products. Value is measured by the sale price, except as otherwise  
25 provided. The value of rental for a period of less than one year of an automobile or of a  
26 pickup truck or van with a gross vehicle weight of less than 26,000 pounds rented from a  
27 person primarily engaged in the business of renting automobiles is the total rental charged  
28 to the lessee and includes, but is not limited to, maintenance and service contracts, drop-  
29 off or pick-up fees, airport surcharges, mileage fees and any separately itemized charges  
30 on the rental agreement to recover the owner's estimated costs of the charges imposed by  
31 government authority for title fees, inspection fees, local excise tax and agent fees on all  
32 vehicles in its rental fleet registered in the State. All fees must be disclosed when an  
33 estimated quote is provided to the lessee.

34 **Sec. D-3. 36 MRSA §1817**, as amended by PL 2017, c. 1, §21, is repealed.

35 **Sec. D-4. 36 MRSA §1818** is enacted to read:

36 **§1818. Tax on adult use marijuana and adult use marijuana products**

37 All sales tax revenue collected pursuant to section 1811 on the sale of adult use  
38 marijuana and adult use marijuana products must be deposited into the General Fund,  
39 except that, on or before the last day of each month, the State Controller shall transfer  
40 12% of the sales tax revenue received by the assessor during the preceding month  
41 pursuant to section 1811 to the Adult Use Marijuana Public Health and Safety Fund  
42 established under Title 28-B, section 1101.

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**PART E**

**Sec. E-1. 3 MRSA §959, sub-§1, ¶¶F and M**, as amended by PL 2013, c. 505, §1, are further amended to read:

F. The joint standing committee of the Legislature having jurisdiction over health and human services matters shall use the following list as a guideline for scheduling reviews:

- (6) Department of Health and Human Services in 2017;
- (7) Board of the Maine Children's Trust Incorporated in 2019; ~~and~~
- (9) Maine Developmental Disabilities Council in 2019; and
- (10) The bureau or division within the Department of Administrative and Financial Services that administers and enforces the Maine Medical Use of Marijuana Act in 2025.

M. The joint standing committee of the Legislature having jurisdiction over state and local government matters shall use the following list as a guideline for scheduling reviews:

- (1) Capitol Planning Commission in 2019;
- (1-A) Maine Governmental Facilities Authority in 2021;
- (2) State Civil Service Appeals Board in 2021;
- (3) State Claims Commission in 2021;
- (4) Maine Municipal Bond Bank in 2015;
- (5) Office of Treasurer of State in 2015;
- (6) Department of Administrative and Financial Services, except for the Bureau of Revenue Services and the bureau or division within the department that administers and enforces the Maine Medical Use of Marijuana Act, in 2019; and
- (7) Department of the Secretary of State, except for the Bureau of Motor Vehicles, in 2019.

**Sec. E-2. 22 MRSA §2422, sub-§§1-C and 2-A** are enacted to read:

**1-C. Commissioner.** "Commissioner" means the Commissioner of Administrative and Financial Services.

**2-A. Department.** "Department" means the Department of Administrative and Financial Services.

**Sec. E-3. 22 MRSA §2422-A** is enacted to read:

1 **§2422-A. Administration and enforcement; rulemaking**

2 **1. Administration and enforcement.** The department shall administer and enforce  
3 this chapter and the rules adopted pursuant to this chapter, except that the administration  
4 and enforcement by the department of this chapter and the rules adopted pursuant to this  
5 chapter may not be assigned to any bureau or division within the department responsible  
6 for the administration and enforcement of the laws governing the manufacture, sale and  
7 distribution of liquor.

8 **2. Rulemaking.** The department, after consultation with the Department of Health  
9 and Human Services, may adopt rules as necessary to administer and enforce this chapter  
10 or amend rules previously adopted pursuant to this chapter. Rules adopted pursuant to  
11 this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter  
12 2-A.

13 **Sec. E-4. 22 MRSA §2423-B, sub-§2,** as amended by PL 2013, c. 516, §8, is  
14 further amended to read:

15 **2. Minor qualifying patient.** Prior to providing written certification for the medical  
16 use of marijuana by a minor qualifying patient under this section, a medical provider,  
17 referred to in this subsection as "the treating medical provider," shall inform the minor  
18 qualifying patient and the parent or legal guardian of the patient of the risks and benefits  
19 of the medical use of marijuana and that the patient may benefit from the medical use of  
20 marijuana. Except with regard to a minor qualifying patient who is eligible for hospice  
21 care, prior to providing a written certification under this section, the treating medical  
22 provider shall consult with a qualified physician, referred to in this paragraph as "the  
23 consulting physician," from a list of physicians who may be willing to act as consulting  
24 physicians maintained by the department that is compiled by the department after  
25 consultation with the Department of Health and Human Services and statewide  
26 associations representing licensed medical professionals. The consultation between the  
27 treating medical provider and the consulting physician may consist of examination of the  
28 patient or review of the patient's medical file. The consulting physician shall provide an  
29 advisory opinion to the treating medical provider and the parent or legal guardian of the  
30 minor qualifying patient concerning whether the patient is likely to receive therapeutic or  
31 palliative benefit from the medical use of marijuana to treat or alleviate the patient's  
32 debilitating medical condition. If the department or the consulting physician does not  
33 respond to a request by the treating medical provider within 10 days of receipt of the  
34 request, the treating medical provider may provide written certification for treatment  
35 without consultation with a physician.

36 **Sec. E-5. 22 MRSA §2424, sub-§1,** as enacted by IB 2009, c. 1, §5, is repealed.

37 **Sec. E-6. 22 MRSA §2424, sub-§2,** as repealed and replaced by PL 2011, c. 407,  
38 Pt. B, §21, is amended to read:

39 **2. Adding debilitating medical conditions.** The department in accordance with  
40 section 2422, subsection 2, paragraph D shall adopt rules regarding the consideration of  
41 petitions from the public to add medical conditions or treatments to the list of debilitating  
42 medical conditions set forth in section 2422, subsection 2. In considering those petitions,  
43 the department shall consult with the Department of Health and Human Services, Maine  
44 Center for Disease Control and Prevention and provide an opportunity for public hearing

1 of, and an opportunity to comment on those petitions. After the hearing, the  
2 commissioner shall approve or deny a petition within 180 days of its submission. The  
3 approval or denial of such a petition constitutes final agency action, subject to judicial  
4 review. Jurisdiction and venue for judicial review are vested in the Superior Court.

5 **Sec. E-7. 22 MRSA §2425, sub-§8, ¶L**, as corrected by RR 2013, c. 2, §33, is  
6 amended to read:

7 L. Notwithstanding any provision of this subsection to the contrary, the department  
8 shall comply with Title 36, section 175. Information provided by the department  
9 pursuant to this paragraph may be used by the ~~Department of Administrative and~~  
10 ~~Financial Services~~, Bureau of Revenue Services only for the administration and  
11 enforcement of taxes imposed under Title 36.

12 **Sec. E-8. 22 MRSA §2425, sub-§10**, as amended by PL 2013, c. 516, §14, is  
13 further amended to read:

14 **10. Annual report.** The department shall submit to the joint standing committee of  
15 the Legislature having jurisdiction over health and human services matters an annual  
16 report by April 1st each year that does not disclose any identifying information about  
17 cardholders or physicians, but does contain, at a minimum:

- 18 A. The number of applications and renewals filed for registry identification cards;
- 19 B. The number of qualifying patients and primary caregivers approved in each  
20 county;
- 21 D. The number of registry identification cards revoked;
- 22 E. The number of medical providers providing written certifications for qualifying  
23 patients;
- 24 F. The number of registered dispensaries; and
- 25 G. The number of principal officers, board members and employees of dispensaries.

26 **Sec. E-9. 22 MRSA §2428, sub-§11**, as amended by PL 2011, c. 407, Pt. B, §32,  
27 is further amended to read:

28 **11. Limitation on number of dispensaries.** The department shall adopt rules  
29 limiting the number and location of registered dispensaries. During the first year of  
30 operation of dispensaries the department may not issue more than one registration  
31 certificate for a dispensary in each of the 8 public health districts of the ~~department~~  
32 Department of Health and Human Services, as defined in section 411. After review of  
33 the first full year of operation of dispensaries and periodically thereafter, the department  
34 may amend the rules on the number and location of dispensaries; however, the number of  
35 dispensaries may not be less than 8.

36 **Sec. E-10. 22 MRSA §2430, sub-§1**, as enacted by PL 2009, c. 631, §45 and  
37 affected by §51, is amended to read:

38 **1. Fund established.** The Medical Use of Marijuana Fund, referred to in this section  
39 as "the fund," is established as an Other Special Revenue Funds account in the  
40 ~~Department of Health and Human Services~~ department for the purposes specified in this  
41 section.

1           **Sec. E-11. Transfer of funds; Medical Use of Marijuana Fund.**  
2 Notwithstanding any other provision of law to the contrary, the State Controller, no later  
3 than 5 days after the effective date of this Act, shall transfer the balance of the Medical  
4 Use of Marijuana Fund in the Department of Health and Human Services to the Medical  
5 Use of Marijuana Fund in the Department of Administrative and Financial Services.

6           **Sec. E-12. Transition.** The following provisions govern the transfer of the  
7 administration of the Maine Medical Use of Marijuana Act from the Department of  
8 Health and Human Services to the Department of Administrative and Financial Services.

9           1. The Department of Administrative and Financial Services is the successor in every  
10 way to the powers, duties and functions of the Department of Health and Human Services  
11 under the Maine Revised Statutes, Title 22, chapter 558-C. The Department of  
12 Administrative and Financial Services may enter into a memorandum of understanding  
13 with the Department of Health and Human Services to facilitate the transition of the  
14 administration of the program adopted pursuant to Title 22, chapter 558-C.

15           2. All existing rules, regulations and procedures in effect, in operation or adopted by  
16 the Department of Health and Human Services or any of its administrative units or  
17 officers pursuant to Title 22, chapter 558-C are hereby declared in effect and continue in  
18 effect until rescinded, revised or amended by the proper authority. All rules, regulations  
19 and procedures previously administered by the Department of Health and Human  
20 Services pursuant to Title 22, chapter 558-C are administered by the Department of  
21 Administrative and Financial Services.

22           3. All existing contracts, agreements, compacts and registrations in effect under the  
23 authority of the Department of Health and Human Services under Title 22, chapter 558-C  
24 continue in effect until they expire by their own terms or are altered by the parties  
25 involved.

26           4. Notwithstanding any provision of law to the contrary, all accrued expenditures,  
27 assets, liabilities, balances of appropriations, allocations, transfers, revenues or other  
28 available funds in an account or subdivision of an account in the Department of Health  
29 and Human Services relating to the administration of Title 22, chapter 558-C must be  
30 transferred to proper accounts in the Department of Administrative and Financial  
31 Services by the State Controller or by financial order upon the request of the State Budget  
32 Officer and with the approval of the Governor.

33           5. All employees of the Department of Health and Human Services who were  
34 assigned to duties related to the administration of Title 22, chapter 558-C immediately  
35 prior to the effective date of this Act become employees of the Department of  
36 Administrative and Financial Services on the effective date of this Act and retain all  
37 employee rights, privileges and benefits, including, but not limited to, accrued sick leave,  
38 vacation and seniority as provided under the Civil Service Law or collective bargaining  
39 agreements. The Department of Administrative and Financial Services shall consult with  
40 the Department of Health and Human Services to ensure orderly implementation of this  
41 subsection.

42           6. All records, property and equipment belonging to or allocated for the use of the  
43 Department of Health and Human Services for the purposes of Title 22, chapter 558-C  
44 become, on the effective date of this Act, part of the property of the Department of

1 Administrative and Financial Services and must, where applicable and in a timely  
 2 manner, be transferred to the Department of Administrative and Financial Services.

3 7. All existing forms, licenses, letterheads and similar items bearing the name of or  
 4 referring to the Department of Health and Human Services as used for the purposes of  
 5 Title 22, chapter 558-C may be used by the Department of Administrative and Financial  
 6 Services until existing supplies of those items are exhausted.

7 8. On or before January 31, 2019, the Commissioner of Administrative and Financial  
 8 Services, after consultation with the Commissioner of Health and Human Services, shall  
 9 submit to the joint standing committee of the Legislature having jurisdiction over health  
 10 and human services matters a report regarding the transition of the administration of Title  
 11 22, chapter 558-C from the Department of Health and Human Services to the Department  
 12 of Administrative and Financial Services, including any recommendations for legislation  
 13 necessary to complete the transition. After reviewing the report, the joint standing  
 14 committee may report out legislation relating to the matters raised in the report to the  
 15 First Regular Session of the 129th Legislature.

16 **PART F**

17 **Sec. F-1. Appropriations and allocations.** The following appropriations and  
 18 allocations are made.

19 **ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

20 **Adult Use Marijuana Public Health and Safety Fund N270**

21 Initiative: Provides an ongoing allocation to allow 12% of marijuana sales tax revenue  
 22 and 12% of marijuana excise tax revenue to be used to facilitate public health and safety  
 23 awareness and education programs and for enhanced law enforcement training programs  
 24 for local, county and state law enforcement officers.

25	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2017-18</b>	<b>2018-19</b>
26	All Other	\$0	\$358,416
27			
28	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$358,416</b>

29 **Adult Use Marijuana Regulatory Coordination Fund N271**

30 Initiative: Provides funding for 6 Consumer Protection Inspector positions.

31	<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
32	POSITIONS - LEGISLATIVE COUNT	0.000	6.000
33	Personal Services	\$0	\$478,806
34			
35	<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$478,806</b>

36 **Adult Use Marijuana Regulatory Coordination Fund N271**

1 Initiative: Provides allocations for one Public Service Coordinator I position, one  
 2 Planning and Research Associate II position, one Chemist II position and related All  
 3 Other costs.

4	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2017-18</b>	<b>2018-19</b>
5	POSITIONS - LEGISLATIVE COUNT	0.000	3.000
6	Personal Services	\$0	\$278,017
7	All Other	\$0	\$100,000
8			
9	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$378,017</u>

10 **Adult Use Marijuana Regulatory Coordination Fund N271**

11 Initiative: Provides funding for one Public Service Manager II position, one Secretary  
 12 Specialist position, 4 Public Service Coordinator I positions, 4 Marijuana Enforcement  
 13 Officer positions, one Marijuana Tax Auditor position and 3 Office Associate positions.

14	<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
15	POSITIONS - LEGISLATIVE COUNT	0.000	14.000
16	Personal Services	\$0	\$850,000
17			
18	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$850,000</u>

19 **Adult Use Marijuana Regulatory Coordination Fund N271**

20 Initiative: Provides funding for 2 Planning and Research Associate I positions, 6  
 21 Marijuana Enforcement Officer positions, 2 Marijuana Tax Auditor positions and 2  
 22 Office Associate II positions.

23	<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
24	POSITIONS - LEGISLATIVE COUNT	0.000	12.000
25	Personal Services	\$0	\$700,000
26			
27	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$700,000</u>

28 **Adult Use Marijuana Regulatory Coordination Fund N271**

29 Initiative: Provides an allocation for All Other costs.

30	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2017-18</b>	<b>2018-19</b>
31	All Other	\$0	\$450,000
32			
33	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$450,000</u>

34 **Adult Use Marijuana Regulatory Coordination Fund N271**

1 Initiative: Provides funding for a tracking/traceability system and licensing system  
2 software.

3	<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
4	All Other	\$0	\$550,000
5			
6	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$550,000</u>

7 **Medical Use of Marijuana Fund N280**

8 Initiative: Provides an allocation for 1.2 Public Service Coordinator II positions being  
9 moved from the Medical Use of Marijuana Fund within the Department of Health and  
10 Human Services to the Medical Use of Marijuana Fund within the Department of  
11 Administrative and Financial Services.

12	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2017-18</b>	<b>2018-19</b>
13	Personal Services	\$0	\$140,751
14			
15	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$140,751</u>

16 **Medical Use of Marijuana Fund N280**

17 Initiative: Provides an allocation for 0.5 Office Assistant II positions being moved from  
18 the Medical Use of Marijuana Fund within the Department of Health and Human  
19 Services to the Medical Use of Marijuana Fund within the Department of Administrative  
20 and Financial Services.

21	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2017-18</b>	<b>2018-19</b>
22	Personal Services	\$0	\$29,636
23			
24	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$29,636</u>

25 **Medical Use of Marijuana Fund N280**

26 Initiative: Provides allocations for one Office Associate II position, one Social Services  
27 Manager I position, one Office Specialist I position and 2 Field Investigator positions  
28 being moved from the Medical Use of Marijuana Fund within the Department of Health  
29 and Human Services to the Medical Use of Marijuana Fund within the Department of  
30 Administrative and Financial Services.

31	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2017-18</b>	<b>2018-19</b>
32	POSITIONS - LEGISLATIVE COUNT	0.000	5.000
33	Personal Services	\$0	\$375,123
34	All Other	\$0	\$540,421

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OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$915,544
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**Revenue Services, Bureau of 0002**

Initiative: Provides funding for 2 Tax Examiner positions and related programming and All Other costs to process and audit income tax filings.

GENERAL FUND	2017-18	2018-19
POSITIONS - LEGISLATIVE COUNT	0.000	2.000
Personal Services	\$0	\$151,272
All Other	\$0	\$443,261
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$594,533</b>

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF DEPARTMENT TOTALS	2017-18	2018-19
GENERAL FUND	\$0	\$3,173,339
OTHER SPECIAL REVENUE FUNDS	\$0	\$2,272,364
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$5,445,703</b>

**AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF Marijuana Regulation and Licensing Fund Z262**

Initiative: Removes allocations for one Consumer Protection Inspector position, one pool vehicle and position technology costs for the transfer of regulatory authority from the Department of Agriculture, Conservation and Forestry to the Department of Administrative and Financial Services.

1	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2017-18</b>	<b>2018-19</b>
2	POSITIONS - LEGISLATIVE COUNT	(1,000)	(1,000)
3	Personal Services	(\$76,032)	(\$79,801)
4	All Other	(\$15,000)	(\$12,500)
5			
6	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$91,032)</b>	<b>(\$92,301)</b>

7	<b>AGRICULTURE, CONSERVATION AND</b>		
8	<b>FORESTRY, DEPARTMENT OF</b>		
9	<b>DEPARTMENT TOTALS</b>	<b>2017-18</b>	<b>2018-19</b>
10			
11	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>(\$91,032)</b>	<b>(\$92,301)</b>
12			
13	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>(\$91,032)</b>	<b>(\$92,301)</b>

14 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

15 **Maine Center for Disease Control and Prevention 0143**

16 Initiative: Provides an ongoing allocation to restore to the Department of Health and  
 17 Human Services the 0.5 Office Assistant II positions that are moving with the Medical  
 18 Use of Marijuana Fund as it is transferred from the Department of Health and Human  
 19 Services to the Department of Administrative and Financial Services.

20	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2017-18</b>	<b>2018-19</b>
21	Personal Services	\$0	\$29,636
22			
23	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$29,636</b>

24 **Maternal and Child Health Block Grant Match Z008**

25 Initiative: Provides an ongoing appropriation to restore to the Department of Health and  
 26 Human Services the 1.2 Public Service Coordinator II positions that are moving with the  
 27 Medical Use of Marijuana Fund as it is transferred from the Department of Health and  
 28 Human Services to the Department of Administrative and Financial Services.

29	<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
30	Personal Services	\$0	\$140,751
31			
32	<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$140,751</b>

33 **Medical Use of Marijuana Fund Z118**

34 Initiative: Removes the allocation for 0.5 Office Assistant II positions that are moving  
 35 with the Medical Use of Marijuana Fund as it is transferred from the Department of  
 36 Human Services to the Department of Administrative and Financial Services.

1	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2017-18</b>	<b>2018-19</b>
2	Personal Services	\$0	(\$29,636)
3			
4	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>(\$29,636)</b>

5 **Medical Use of Marijuana Fund Z118**

6 Initiative: Removes the allocation for 1.2 Public Service Coordinator II positions that are  
 7 moving with the Medical Use of Marijuana Fund as it is transferred from the Department  
 8 of Health and Human Services to the Department of Administrative and Financial  
 9 Services.

10	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2017-18</b>	<b>2018-19</b>
11	Personal Services	\$0	(\$140,751)
12			
13	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>(\$140,751)</b>

14 **Medical Use of Marijuana Fund Z118**

15 Initiative: Deallocates for one Office Associate II position, one Social Services Manager I  
 16 position, one Office Specialist I position and 2 Field Investigator positions being moved  
 17 from the Medical Use of Marijuana Fund within the Department of Health and Human  
 18 Services to the Medical Use of Marijuana Fund within the Department of Administrative  
 19 and Financial Services.

20	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2017-18</b>	<b>2018-19</b>
21	POSITIONS - LEGISLATIVE COUNT	0.000	(5.000)
22	Personal Services	\$0	(\$375,123)
23	All Other	\$0	(\$540,421)
24			
25	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>(\$915,544)</b>

26 **HEALTH AND HUMAN SERVICES,**  
 27 **DEPARTMENT OF**  
 28 **DEPARTMENT TOTALS**

29		<b>2017-18</b>	<b>2018-19</b>
30	<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$140,751</b>
31	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$0</b>	<b>(\$1,056,295)</b>
32			
33	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>(\$915,544)</b>

34 **INDIGENT LEGAL SERVICES, MAINE COMMISSION ON**  
 35 **Maine Commission on Indigent Legal Services Z112**

1 Initiative: Adjusts funding to reflect an estimated decrease of \$75,000 annually to reflect  
2 fewer cases of assigned counsel related to marijuana offenses.

3	<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
4	All Other	\$0	(\$75,000)
5		<hr/>	<hr/>

1	GENERAL FUND TOTAL	\$0	(\$75,000)
2	<b>INDIGENT LEGAL SERVICES, MAINE</b>		
3	<b>COMMISSION ON</b>		
4	<b>DEPARTMENT TOTALS</b>	<b>2017-18</b>	<b>2018-19</b>
5			
6	<b>GENERAL FUND</b>	<b>\$0</b>	<b>(\$75,000)</b>
7			
8	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>(\$75,000)</b>
9	<b>LEGISLATURE</b>		
10	<b>Legislature 0081</b>		
11	Initiative: Appropriates funds for the ongoing costs of Legislators serving on the		
12	Marijuana Advisory Commission.		
13	<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
14	Personal Services	\$0	\$880
15	All Other	\$0	\$1,370
16			
17	GENERAL FUND TOTAL	\$0	\$2,250
18	<b>LEGISLATURE</b>		
19	<b>DEPARTMENT TOTALS</b>	<b>2017-18</b>	<b>2018-19</b>
20			
21	<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$2,250</b>
22			
23	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$2,250</b>
24	<b>PUBLIC SAFETY, DEPARTMENT OF</b>		
25	<b>State Police 0291</b>		
26	Initiative: Provides funding for one Identification Specialist II position and related costs		
27	to process criminal history background checks for marijuana establishment operators.		
28	<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
29	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
30	Personal Services	\$0	\$42,135
31	All Other	\$0	\$1,566
32			
33	GENERAL FUND TOTAL	\$0	\$43,701

1	<b>HIGHWAY FUND</b>	<b>2017-18</b>	<b>2018-19</b>
2	Personal Services	\$0	\$22,688
3	All Other	\$0	\$1,274
4			
5	<b>HIGHWAY FUND TOTAL</b>	<u>\$0</u>	<u>\$23,962</u>
6	<b>PUBLIC SAFETY, DEPARTMENT OF</b>		
7	<b>DEPARTMENT TOTALS</b>	<b>2017-18</b>	<b>2018-19</b>
8			
9	<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$43,701</b>
10	<b>HIGHWAY FUND</b>	<b>\$0</b>	<b>\$23,962</b>
11			
12	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<u><b>\$0</b></u>	<u><b>\$67,663</b></u>
13	<b>SECTION TOTALS</b>	<b>2017-18</b>	<b>2018-19</b>
14			
15	<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$3,285,041</b>
16	<b>HIGHWAY FUND</b>	<b>\$0</b>	<b>\$23,962</b>
17	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>(\$91,032)</b>	<b>\$1,123,768</b>
18			
19	<b>SECTION TOTAL - ALL FUNDS</b>	<u><b>(\$91,032)</b></u>	<u><b>\$4,432,771</b></u>
20			

**SUMMARY**

This amendment, which is the majority report of the committee, replaces the bill. Like the bill, the amendment facilitates the development and administration of a regulated marketplace in the State for adult use marijuana and the regulation of the personal use of marijuana and the home cultivation of marijuana for personal adult use pursuant to the Marijuana Legalization Act, as approved by the voters at referendum in November 2016; however, the amendment makes the following changes to the bill.

**PART A**

Like Part A in the bill, Part A in the amendment repeals the Marijuana Legalization Act, as codified in the Maine Revised Statutes, Title 7, chapter 417, and recodifies it as the Marijuana Legalization Act, referred to in this summary as "the Act," in a new Title 28-B, Adult Use Marijuana, but makes the following changes.

1. It designates the Department of Administrative and Financial Services, referred to in this summary as "the department," as the sole regulatory agency in the implementation, administration and enforcement of the Act, but requires the department to consult with the Department of Agriculture, Conservation and Forestry prior to the adoption of rules

1 relating to the regulation of the cultivation, manufacture, testing, labeling and packaging  
2 of adult use marijuana and adult use marijuana products.

3 2. It removes from the Act provisions regulating the licensure and operation of  
4 marijuana social clubs.

5 3. It removes from the Act specific provisions for the sharing of sales tax and excise  
6 tax revenue with municipalities.

7 4. It changes the definition of the term "plant canopy" to include in the calculation of  
8 plant canopy only those areas in which mature marijuana plants are to be cultivated. The  
9 amendment reduces the maximum cultivation facility license tier sizes under the bill by  
10 approximately 1/3 to account for this changed definition but does not change the  
11 application fees or license fees amount for cultivation facility licenses as provided in the  
12 bill.

13 5. It defines the term "resident" for the purposes of licensure as a natural person who  
14 is domiciled in Maine, maintains a permanent place of abode in Maine and spends in the  
15 aggregate more than 183 days of the taxable year in Maine and has filed a resident  
16 individual income tax return pursuant to Title 36, Part 8 in each of the 3 years prior to the  
17 year in which the person files an application for licensure under the Act. The provision  
18 of this definition requiring the filing of resident individual income tax returns for the 3  
19 years prior to applying for a license is repealed June 1, 2021. It removes the explicit 2-  
20 year residency requirement.

21 6. It retains the provisions authorizing the sharing of facilities for the cultivation and  
22 manufacturing of adult use marijuana and adult use marijuana products and marijuana  
23 and marijuana products for medical use by a licensee that is also a registered primary  
24 caregiver or registered dispensary. The amendment, however, prohibits a marijuana store  
25 licensee that is also a registered primary caregiver or registered dispensary from selling  
26 adult use marijuana and adult use marijuana products to consumers and marijuana and  
27 marijuana products for medical use to qualifying patients from the same facility or  
28 building.

29 7. It provides technical clarifications to the municipal-level licensing and approval  
30 process and also includes provisions applicable to the local authorization of marijuana  
31 establishments to be located in towns, plantations or townships in the unorganized and  
32 deorganized areas of the State.

33 8. It explicitly prohibits the entry into any marijuana establishment by a person under  
34 21 years of age.

35 9. It changes the membership provisions and duties of the Marijuana Advisory  
36 Commission as proposed in the bill.

37 10. It increases the excise tax rate on marijuana flower and mature marijuana plants  
38 from \$130 per pound to \$335 per pound and the excise tax rate on marijuana trim from  
39 \$36.29 per pound to \$94 per pound. The excise tax rates imposed on immature marijuana  
40 plants, seedlings and marijuana seeds remain as proposed in the bill.

41 11. It changes the provisions proposed in the bill relating to the personal adult use of  
42 marijuana and marijuana products and the home cultivation of marijuana for personal  
43 adult use by reducing the number of mature marijuana plants that may be possessed,

1 cultivated or transported by a person 21 years of age or older from 6 plants to 3 plants.  
2 The amendment authorizes a municipality to adopt an ordinance or other regulation  
3 limiting the total number of mature marijuana plants that may be cultivated on any one  
4 parcel or tract of land within the municipality, so long as that ordinance or regulation  
5 allows for the cultivation of 3 mature marijuana plants, 12 immature marijuana plants and  
6 an unlimited number of seedlings by each person 21 years of age or older who is  
7 domiciled on a parcel or tract of land. The amendment includes language providing that  
8 this reduction in the number of authorized mature marijuana plants from 6 plants to 3  
9 plants does not take effect until 6 months after the effective date of the legislation.

10 12. It clarifies advertising and marketing standards and standards relating to signs  
11 used by a licensee to ensure a prohibition on advertising, marketing and signs that have a  
12 high likelihood of reaching persons under 21 years of age or that are specifically designed  
13 to appeal particularly to persons under 21 years of age. The amendment also requires the  
14 department, after consultation with the Department of Health and Human Services, Maine  
15 Center for Disease Control and Prevention, to develop rules on required health and safety  
16 warning labels. It also authorizes the use of the terms "organic," "organically cultivated"  
17 or "organically grown" on the label or packaging of adult use marijuana and adult use  
18 marijuana products consistent with rules on the use of such terms to be adopted by the  
19 department.

20 13. It clarifies that the authorized sampling of adult use marijuana and adult use  
21 marijuana products by the employees of a products manufacturing facility for product  
22 quality control or research and development purposes may not involve the consumption  
23 of the marijuana or marijuana product by means of smoking the marijuana or marijuana  
24 products.

25 14. It removes language proposed in the bill requiring the department to employ as a  
26 portion of its staff sworn law enforcement officers; language regarding the investigation  
27 by a criminal justice agency of unlawful activity relating to the personal adult use of  
28 marijuana or marijuana products or the home cultivation of marijuana for personal adult  
29 use; and language regarding withdrawal of municipal authorization for the operation of a  
30 marijuana establishment within a municipality.

31 15. It clarifies provisions in the Act relating to employment practices in a manner  
32 that ensures that the rights and protections for qualifying patients afforded by the Maine  
33 Medical Use of Marijuana Act are not affected by the provisions of the Act.

34 16. It directs the department to ensure that, when necessary and practicable, the  
35 regulation of the labeling and packaging of adult use marijuana and adult use marijuana  
36 products under the Act is consistent with the regulation of the labeling and packaging of  
37 marijuana and marijuana products for medical use under the Maine Medical Use of  
38 Marijuana Act.

39 17. It provides for a limited period in which a cultivation facility licensee that is also  
40 a registered primary caregiver or registered dispensary may purchase an unlimited  
41 number of marijuana plants and seeds from an entity that is also a registered primary  
42 caregiver or registered dispensary. Any such transactions are subject to the imposition of  
43 the excise tax imposed under the Act.

1 18. It makes a number of other technical changes to the Act to incorporate these  
2 changes within Part A of the bill.

3 **PART B**  
4

5 Part B amends the Maine Criminal Code and the law concerning the Department of  
6 Public Safety, Bureau of State Police, State Bureau of Identification to include provisions  
7 that address a statutory conflict between Maine Criminal Code provisions prohibiting the  
8 possession and cultivation of marijuana and marijuana plants and provisions of the Act  
9 authorizing such possession and cultivation of marijuana and marijuana plants. These  
10 amendments to the Maine Criminal Code are consistent with current exemptions in the  
11 Maine Criminal Code relating to conduct authorized under the Maine Medical Use of  
12 Marijuana Act. The amendment also provides an exemption from the laws concerning  
13 criminal assert forfeiture relating to conduct authorized under the Act.

14 **PART C**  
15

16 Part C of the amendment is identical to Part C of the bill, which amends the State's  
17 laws governing municipal powers and duties of plantations.

18 **PART D**  
19

20 Part D, which addresses the collection of sales tax revenue relating to adult use  
21 marijuana and adult use marijuana products sold to a consumer, strikes language  
22 proposed in the bill relating to the collection of sales taxes at marijuana social clubs and  
23 municipal revenue sharing of sales tax revenue.

24 **PART E**  
25

26 Part E includes provisions to shift the administration and enforcement of the Maine  
27 Medical Use of Marijuana Act and the medical marijuana program adopted thereunder  
28 from the Department of Health and Human Services to the department, including the  
29 following.

30 1. It restricts the department from assigning the administration and enforcement of  
31 the Maine Medical Use of Marijuana Act to any bureau or division within the department  
32 responsible for the administration and enforcement of the laws governing the  
33 manufacture, sale and distribution of liquor.

34 2. It requires the department to consult with the Department of Health and Human  
35 Services prior to the adoption or amendment of rules under the Maine Medical Use of  
36 Marijuana Act.

37 3. It directs the transfer of the balance of the Medical Use of Marijuana Fund in the  
38 Department of Health and Human Services to the Medical Use of Marijuana Fund in the  
39 department.

40 4. It includes a number of additional provisions to facilitate the transition of the  
41 administration and enforcement of the Maine Medical Use of Marijuana Act from the  
42 Department of Health and Human Services to the department. It requires the

1 Commissioner of Administrative and Financial Services to submit a report on or before  
2 January 31, 2019 to the joint standing committee of the Legislature having jurisdiction  
3 over health and human services matters regarding the status of this transition and  
4 authorizes the joint standing committee to report out legislation relating to the report.

5 5. As it is the intent of the committee that oversight of the medical marijuana  
6 program adopted under the Maine Medical Use of Marijuana Act remain with the joint  
7 standing committee of the Legislature having jurisdiction over health and human services  
8 matters, Part E of the amendment includes the following provisions.

9 A. It amends the State Government Evaluation Act to provide that the review of the  
10 bureau or division within the department that administers and enforces the Maine  
11 Medical Use of Marijuana Act remain with the joint standing committee of the  
12 Legislature having jurisdiction over health and human services matters.

13 B. It amends the Maine Medical Use of Marijuana Act to direct that the registry  
14 identification cards annual report specifically be submitted to the joint standing  
15 committee of the Legislature having jurisdiction over health and human services  
16 matters.

17 **PART F**

18  
19 Part F adds an appropriations and allocations section.

20 **FISCAL NOTE REQUIRED**

21 **(See attached)**