

STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION



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

**JOINT SELECT COMMITTEE ON MARIJUANA
LEGALIZATION IMPLEMENTATION**

August 2017

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STAFF:

JANE ORBETON, SENIOR LEGISLATIVE ANALYST
DANIELLE FOX, LEGISLATIVE ANALYST
DANIEL TARTAKOFF, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
<http://legislature.maine.gov/legis/opla/>

*Committee member for a portion of the session

Joint Select Committee on Marijuana Legalization Implementation

LD 164 An Act To Require Tamper-evident Packaging for Recreational Marijuana Products

CARRIED OVER

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-----------------------|-------------------------|---------------------------|
| COREY P WOODSOME D | | |

This bill requires that all retail marijuana and retail marijuana products sold at a retail marijuana store be in tamper-evident packaging, which involves a device or process such as a seal, label or marking that makes unauthorized access to or tampering with a package, product or container easily detectable.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 215 An Act To Require a License for the Possession, Sale, Cultivation or Transportation of Marijuana for Recreational Use

CARRIED OVER

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| BATTLE K DOW D | | |

This bill is a concept draft pursuant to Joint Rule 208. It proposes to further regulate the cultivation, transportation, sale and possession of marijuana and marijuana products by:

1. Establishing tiered licenses, issued by the State, for possession, cultivation and sale based on quantity.
 - A. Tiers for personal possession would be set at up to one ounce, more than one ounce to no more than two ounces and more than two ounces to no more than three ounces.
 - B. Possession of more than three ounces would require a commercial license, which would also be tiered, based on the quantity above three ounces.
 - C. Tiers for personal cultivation would be established at one to 50 plants and 51 to 100 plants.
 - D. Cultivation of more than 100 plants would require a commercial license, which would also be tiered, based on the quantity above 100 plants.
 - E. Tiers for engaging in the sale of marijuana and marijuana products would be based on the quantity of marijuana in the products sold.

The cost of a tiered license would increase progressively based on the quantity possessed, cultivated or sold;

2. Requiring a state-issued license for the transportation of marijuana or marijuana products by motor vehicle, watercraft or airplane within the State;
3. Prohibiting from possessing or using marijuana or marijuana products and subjecting to random drug testing certain persons, including health care workers such as physicians and nurses, commercial truck drivers, passenger or commercial vessel operators, taxi drivers, law enforcement officials, correctional officers and emergency first responders; and
4. Allowing nonresidents to purchase a temporary possession license.

Joint Select Committee on Marijuana Legalization Implementation

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 231 An Act To Allow Municipalities To Regulate the Growing of Marijuana CARRIED OVER

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| DAVIS P NADEAU C | | |

This bill allows a municipality to restrict the cultivation of marijuana for recreational or medical use to certain areas in the municipality or to prohibit cultivation entirely within the municipality. The bill applies to cultivation of marijuana under the Marijuana Legalization Act and the Maine Medical Use of Marijuana Act.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 243 An Act To Amend the Marijuana Legalization Act to Provide Licensing, Rulemaking and Regulatory and Enforcement Authority within the Department of Administrative and Financial Services; Assign Rulemaking, Regulatory and Enforcement Authority Related to Agricultural Purposes to the Department of Agriculture, Conservation and Forestry; and Allocate Funds for Implementation PUBLIC 278 EMERGENCY

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------------|-------------------------|----------------------------|
| GIDEON S THIBODEAU M | OTP-AM OTP-AM | H-221 S-312 HAMPER J |

This bill changes the state licensing authority under the Marijuana Legalization Act from the Department of Agriculture, Conservation and Forestry to the Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services. It also establishes the Retail Marijuana Regulatory Coordination Fund to be used by the director for rulemaking and other duties related to implementation of a regulatory scheme for the cultivating, distribution and sale of retail marijuana. This bill also transfers \$1,600,000 from unappropriated General Fund surplus to the fund.

Committee Amendment "A" (H-221)

This amendment is the majority report of the committee. The amendment changes the title, strikes the bill and does the following.

1. The amendment assigns to the Department of Administrative and Financial Services authority to license the distribution, tracking and sale of retail marijuana and retail marijuana products and the licensure of retail marijuana social clubs.
2. The amendment assigns to the Department of Administrative and Financial Services rule-making, regulatory and enforcement authority regarding the tracking, distribution and sale of retail marijuana and retail marijuana products and the licensing and operation of retail marijuana social clubs.
3. The amendment assigns to the Department of Agriculture, Conservation and Forestry rule-making, regulatory and enforcement authority regarding marijuana cultivation, including, but not limited to, all aspects of marijuana seeds, clones, seedlings and plants, use of pesticides, harvesting and storage, and the preparation, manufacturing, production, packaging, labeling and testing of retail marijuana. The amendment authorizes the Commissioner of Agriculture, Conservation and Forestry to delegate rule-making authority to the Commissioner of Administrative

Joint Select Committee on Marijuana Legalization Implementation

and Financial Services, the Commissioner of Labor or the Commissioner of Public Safety if the Commissioner of Agriculture, Conservation and Forestry determines the expertise and resources of those other departments would be beneficial to the development and enforcement of rules.

4. The amendment directs the Department of Administrative and Financial Services and the Department of Agriculture, Conservation and Forestry to work cooperatively to ensure that rules are adopted and the Marijuana Legalization Act is implemented and enforced in a manner that is consistent with the requirements of that Act.
5. The amendment establishes the Retail Marijuana Regulatory Coordination Fund to provide funding for rulemaking, entering into contracts with consultants and employing staff, conducting meetings with stakeholders and conducting other activities related to retail marijuana.
6. The amendment appropriates funds for consultant services and necessary travel and expenses and other purposes determined to be appropriate by the Joint Select Committee on Marijuana Legalization Implementation in the amount of \$200,000 to the Legislature for use by the committee and in the amount of \$1,400,000 for use by the Department of Administrative and Financial Services. The appropriation to the Legislature is a nonlapsing appropriation. The Retail Marijuana Regulatory Coordination Fund is a nonlapsing Other Special Revenue Funds account. The amendment requires the Department of Administrative and Financial Services to report to the Joint Select Committee on Marijuana Legalization Implementation 60 days after the effective date of the Act and every 60 days thereafter until final adjournment of the Second Regular Session of the 128th Legislature. The report must provide information on the progress of the Department of Administrative and Financial Services and all other state departments involved with implementing the Marijuana Legalization Act.
7. The amendment corrects and separates references to the Department of Administrative and Financial Services and the Department of Agriculture, Conservation and Forestry in order for the two departments to perform the roles in the implementation of marijuana legalization that are assigned by the Maine Revised Statutes, Title 7, section 1-C and section 2444, subsection 1.

Committee Amendment "B" (H-222)

This amendment is the minority report of the committee. It strikes the bill, changes the title and also does the following.

1. It provides that the Department of Administrative and Financial Services serves as the state licensing authority for retail purposes under the Marijuana Legalization Act.
2. It provides that the Department of Agriculture, Conservation and Forestry serves as the state licensing authority for agricultural purposes under the Marijuana Legalization Act.
3. It assigns to the Department of Agriculture, Conservation and Forestry licensing and regulatory jurisdiction from the point of marijuana seed, clone, seedling and plant, through cultivation, use of pesticides, harvesting, preparation of marijuana, retail marijuana manufacturing and retail marijuana products manufacturing to the testing, packaging and labeling of marijuana, retail marijuana and retail marijuana products.
4. It assigns to the Department of Administrative and Financial Services licensing and regulatory jurisdiction over retail marijuana and retail marijuana products distribution and tracking, retail marijuana stores and retail marijuana social clubs.
5. It appropriates funds for consultant services and necessary travel and expenses and other appropriate purposes as determined by the Joint Select Committee on Marijuana Legalization Implementation in the amount of \$500,000 to the Legislature for use by the Joint Select Committee on Marijuana Legalization Implementation and allocates funds in the amount of \$1,100,000 for the Retail Marijuana Regulatory Coordination Fund. The amendment establishes the Retail Marijuana Regulatory Coordination Fund and authorizes its use by the Commissioner of Administrative

Joint Select Committee on Marijuana Legalization Implementation

and Financial Services and the Commissioner of Agriculture, Conservation and Forestry. The amendment requires the two commissioners to report to the Joint Select Committee on Marijuana Legalization Implementation beginning 30 days after the effective date and continuing every 30 days until February 1, 2018. The reports must provide information on the expenditure of funds and the progress on adopting required rules.

6. It changes the allocation of the definition of "disqualifying drug offense" from the Maine Revised Statutes, Title 7, section 2447, subsection 1, paragraph B to the definitions section in Title 7, section 2442, subsection 9-A to comport with drafting standards.

7. It changes the allocation of a provision on investigation of unlawful activity from Title 7, section 2448, subsection 5, paragraph D to section 2448, subsection 20.

This amendment was not adopted.

Senate Amendment "A" To Committee Amendment "A" (S-312)

This amendment replaces the appropriations and allocations section in Committee Amendment "A."

Enacted Law Summary

Public Law 2017, chapter 278 amends the Marijuana Legalization Act as follows.

1. It assigns to the Department of Administrative and Financial Services authority to license the distribution, tracking and sale of retail marijuana and retail marijuana products and the licensure of retail marijuana social clubs.
2. It assigns to the Department of Administrative and Financial Services rule-making, regulatory and enforcement authority regarding the tracking, distribution and sale of retail marijuana and retail marijuana products and the licensing and operation of retail marijuana social clubs.
3. It assigns to the Department of Agriculture, Conservation and Forestry rule-making, regulatory and enforcement authority regarding marijuana cultivation, including, but not limited to, all aspects of marijuana seeds, clones, seedlings and plants, use of pesticides, harvesting and storage, and the preparation, manufacturing, production, packaging, labeling and testing of retail marijuana. The law authorizes the Commissioner of Agriculture, Conservation and Forestry to delegate rule-making authority to the Commissioner of Administrative and Financial Services, the Commissioner of Labor or the Commissioner of Public Safety if the Commissioner of Agriculture, Conservation and Forestry determines the expertise and resources of those other departments would be beneficial to the development and enforcement of rules.
4. It directs the Department of Administrative and Financial Services and the Department of Agriculture, Conservation and Forestry to work cooperatively to ensure that rules are adopted and the Marijuana Legalization Act is implemented and enforced in a manner that is consistent with the requirements of that Act.
7. It corrects and separates references to the Department of Administrative and Financial Services and the Department of Agriculture, Conservation and Forestry in order for the two departments to perform the roles in the implementation of marijuana legalization that are assigned by the Maine Revised Statutes, Title 7, section 1-C and section 2444, subsection 1.

Public Law 2017, chapter 278 also establishes the Retail Marijuana Regulatory Coordination Fund to provide funding for rulemaking, entering into contracts with consultants and employing staff, conducting meetings with stakeholders and conducting other activities related to retail marijuana and appropriates funds for consultant services and necessary travel and expenses and other purposes determined to be appropriate by the Joint Select Committee on Marijuana Legalization Implementation in the amount of \$200,000 to the Legislature for use by the committee and in the amount of \$1,400,000 for use by the Department of Administrative and Financial Services. The appropriation to the Legislature is a nonlapsing appropriation. The Retail Marijuana Regulatory Coordination

Joint Select Committee on Marijuana Legalization Implementation

Fund is a nonlapsing Other Special Revenue Funds account.

Public Law 2017, chapter 278 also requires the Department of Administrative and Financial Services to report to the Joint Select Committee on Marijuana Legalization Implementation 60 days after the effective date of the Act and every 60 days thereafter until final adjournment of the Second Regular Session of the 128th Legislature. The report must provide information on the progress of the Department of Administrative and Financial Services and all other state departments involved with implementing the Marijuana Legalization Act.

Public Law 2017, chapter 278 was enacted as an emergency measure effective June 29, 2017.

LD 301 An Act To Protect Children from Marijuana Sales by Prohibiting Retail Marijuana Establishments and Social Clubs near Schools CARRIED OVER

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|----------------------|-------------------------|---------------------------|
| HANDY J DIAMOND B | | |

This bill restricts the licensing authority of the Department of Agriculture, Conservation and Forestry under the Marijuana Legalization Act by prohibiting the issuance of a license under that Act to operate a retail marijuana establishment or a retail marijuana social club that is to be located within 2,000 feet of the property line of a preexisting school.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 310 An Act To Responsibly Implement an Adult Use Cannabis Program CARRIED OVER

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| BRAKEY E | | |

This bill is a concept draft pursuant to Joint Rule 208.

It proposes to amend the provisions of the Marijuana Legalization Act, as enacted in Initiated Bill 2015, chapter 5.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 387 An Act To Provide for Oversight of Maine's Recreational Marijuana Laws CARRIED OVER

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-----------------------|-------------------------|---------------------------|
| GRATWICK G MCCREAD | | |

This bill directs the Statewide Coordinating Council for Public Health to serve in an advisory capacity on public health matters related to retail marijuana to the Commissioner of Agriculture, Conservation and Forestry acting as chief administrative officer of the state licensing authority for the cultivation, manufacture, distribution, testing and sale of retail marijuana.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

Joint Select Committee on Marijuana Legalization Implementation

LD 433 An Act To Allow Municipalities To Apply a Local Option Sales Tax to the Sale of Marijuana CARRIED OVER

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------------|-------------------------|---------------------------|
| RYKERSON D CHENETTE J | | |

This bill allows a municipality that approves the location of a retail marijuana store or a retail marijuana social club to impose a local option sales tax. Revenue from the local option sales tax after deduction for the cost of state administration is distributed to the municipality.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 498 An Act Regarding Marijuana Licensing CARRIED OVER

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| HARVELL L DION M | | |

This bill requires an applicant for a marijuana license under the Maine Revised Statutes, Title 7 who is a natural person to have been a resident of the State for at least one year continuously prior to application for a license. It requires an applicant that is a business entity organized under Title 13-B or 13-C that applies for a marijuana license under Title 7 to have been organized for at least one year continuously prior to application for a license and requires an individual who submits the application for the business to have been a resident of the State for at least one year continuously prior to application for a license.

This bill requires an applicant for a marijuana license under Title 7 to disclose the applicant's financial interest in the license, including, but not limited to, investment interest and salary or other reimbursement that may become due to the applicant from any other person or business if the license is granted.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 499 An Act To Allow Municipalities To Prohibit Retail Marijuana Facilities in Safe Zones CARRIED OVER

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-----------------------|-------------------------|---------------------------|
| AUSTIN B COLLINS R | | |

This bill allows municipalities to adopt ordinances prohibiting the location of retail marijuana establishments and retail marijuana social clubs under the Marijuana Legalization Act.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

Joint Select Committee on Marijuana Legalization Implementation

LD 545 An Act To Ensure Maine's Unorganized Townships and Plantations CARRIED OVER
Maintain Local Control under Laws Legalizing Marijuana

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|----------------------|-------------------------|---------------------------|
| HAMANN S BRAKEY E | | |

This bill is a concept draft pursuant to Joint Rule 208. It proposes to ensure that unorganized townships and plantations maintain local control under laws legalizing marijuana.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 596 An Act To Promote Highway Safety by Restricting the Use of Marijuana CARRIED OVER
and Possession of an Open Marijuana Container in a Motor Vehicle

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|---------------------------|
| COREY P ROSEN K | | |

This bill makes it a traffic infraction to consume marijuana or a marijuana product or to possess an open container of marijuana or a marijuana product in the passenger area of a motor vehicle. This bill is similar to the provisions of law making consuming alcohol or having an open container of alcohol in the passenger area of a motor vehicle a traffic infraction.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 625 An Act To Prohibit the Location of a Marijuana Facility within 2,000 CARRIED OVER
Feet of a House of Public Worship or Property Associated with a House
of Public Worship

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

This bill prohibits a retail marijuana establishment or retail marijuana social club from being located within 2,000 feet of a house of public worship or property associated with a house of public worship.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 626 An Act To Provide Funding for County Jails from Sales Tax Collected CARRIED OVER
on Retail Sales of Marijuana and Marijuana Products

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------------|-------------------------|---------------------------|
| STETKIS J WHITTEMORE R | | |

This bill distributes 25% of tax revenues from the sales tax on retail marijuana and retail marijuana products to the counties to support county jail operations. The funds distributed to the counties under this bill must be distributed according to the formula established for funds in the County Jail Operations Fund and must be used to supplement

Joint Select Committee on Marijuana Legalization Implementation

and not to supplant funding provided to the counties for jail operations from other funding sources.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 627 An Act To Establish a Data Collection Program To Monitor Effects of Marijuana Regulation CARRIED OVER

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

This bill establishes a program in the Department of Health and Human Services, Maine Center for Disease Control and Prevention to collect data for the purpose of monitoring the effect on the State from the legalization and regulation of retail marijuana. Reports must be published at least annually to provide data to the Legislature, the Governor's Office and appropriate state government departments overseeing the implementation of the retail marijuana laws to be used to inform needed adjustments, law changes and rule changes to minimize the financial and social costs to the people of this State.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 667 An Act To Repeal the Legalization of Recreational Marijuana CARRIED OVER

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|------------------------|-------------------------|---------------------------|
| CYRWAY S CAMPBELL R | | |

This bill repeals the Marijuana Legalization Act, which allows the commercial cultivation, sale, purchase, manufacture, possession and use of marijuana and marijuana products and the personal cultivation, possession and use of marijuana and marijuana products, and the tax that is imposed on the sale of marijuana and marijuana products, if approved by the voters at a referendum held in November 2018. The bill also amends related provisions of law.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 672 An Act To Clarify a Municipality's Authority To Adopt and Enforce Land Use Regulations for Marijuana Facilities CARRIED OVER

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| BREEN C | | |

This bill provides that a municipal ordinance or regulation may not conflict with or be more restrictive than state law with respect to an individual's use, possession or transportation of medical or recreational marijuana. It further provides that a municipality may adopt and enforce land use regulations that apply to marijuana facilities that grow, process, package, distribute, sell or provide medical or recreational marijuana in the same regulatory manner as any other activities generating similar land use and compatibility effects.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

Joint Select Committee on Marijuana Legalization Implementation

**LD 734 An Act Extending the Time Period for Municipalities To Approve
Marijuana Businesses CARRIED OVER**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| BLUME L | | |

This bill extends the time period, from 14 business days to 60 business days, within which a municipality is required to either approve or deny an application for a marijuana business.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 797 An Act To Fund Railroad Infrastructure and Operations CARRIED OVER

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

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

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

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| HARVELL L DION M | | |

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

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

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

Joint Select Committee on Marijuana Legalization Implementation

This bill allows a landlord to restrict or prohibit the cultivation, possession or use of marijuana on residential premises rented by that landlord. This bill, similar to the law allowing a landlord to restrict smoking of tobacco on leased premises, requires the landlord to develop a policy regarding the allowance or prohibition of the cultivation, possession or use of marijuana, detailing those areas where it is allowed or prohibited, and provide notice of the policy to tenants and prospective tenants. This bill does not give a person who is aggrieved by the failure of the landlord to provide the policy or another tenant to abide by the policy a cause of action against the landlord.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 800 An Act To Prohibit Marijuana on the Campuses of Maine's Public Postsecondary Institutions

Leave to Withdraw Pursuant to Joint Rule

Sponsor(s)
HANDY J

Committee Report

Amendments Adopted

This bill prohibits the possession and consumption of marijuana on a campus of the University of Maine System or the Maine Community College System or on the campus of the Maine Maritime Academy.

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

CARRIED OVER

Sponsor(s)
LIBBY N
BICKFORD B

Committee Report

Amendments Adopted

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

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

CARRIED OVER

Sponsor(s)
HAMANN S
BRAKEY E

Committee Report

Amendments Adopted

This bill is a concept draft pursuant to Joint Rule 208.

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

Joint Select Committee on Marijuana Legalization Implementation

LD 855 An Act To Protect Children from Edible Cannabis Products

CARRIED OVER

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

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

**LD 938 An Act To Harmonize Provisions of "An Act To Legalize Marijuana"
with Related Provisions of the Maine Medical Use of Marijuana Act**

CARRIED OVER

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

This bill is a concept draft pursuant to Joint Rule 208.

It proposes to harmonize certain public health provisions applicable to the medical and adult recreational use of marijuana, including, but not limited to, laboratory testing of product, product labeling requirements, child-safe packaging requirements and inspection requirements. This bill would require that registered dispensaries and registered caregivers in the Maine medical use of marijuana program comply with the testing requirements that apply to adult recreational sales of marijuana.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

**LD 1197 An Act to Support Substance Use Disorder Prevention, Treatment and
Recovery**

CARRIED OVER

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------------|-------------------------|---------------------------|
| BEEBE-CENTER P MAKER J | | |

This bill establishes the Fund for Substance Use Disorder Prevention, Treatment and Recovery and funds it by requiring 10% of the tax revenue from the retail sale of marijuana and marijuana products to be deposited in the fund. The fund is used for substance use disorder prevention, recovery and treatment programs administered by the Department of Health and Human Services and the Maine Center for Disease Control and Prevention. This bill specifies that the additional funding for existing programs for substance use disorder, treatment and recovery is intended to supplement, not supplant, funding appropriated for those purposes.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

Joint Select Committee on Marijuana Legalization Implementation

LD 1209 An Act To Reserve for County Government One Percent of the Excise Tax Revenue from the Sale of Retail Marijuana **CARRIED OVER**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| MARTIN D | | |

This bill requires that 1% of the revenue from sales tax imposed on the sale of retail marijuana and retail marijuana products be provided to the counties to offset the costs of planning, policy development, monitoring and enforcement with respect to the Marijuana Legalization Act.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1431 An Act To Dedicate a Portion of the Tax on the Sale of Marijuana to Substance Abuse Prevention and Treatment, Law Enforcement Costs and Regulatory Oversight **CARRIED OVER**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| CRAIG G | | |

This bill establishes the Substance Abuse Education, Prevention and Treatment Fund to provide funding for:

1. Programs for education regarding prevention of and support and treatment for substance abuse, including the prevention of marijuana use by minors;
2. Regulatory oversight of the retail marijuana industry; and
3. Increased costs to law enforcement agencies and the courts associated with the retail marijuana industry.

The fund is administered by the Department of Health and Human Services and disbursed based on the recommendations of the Substance Abuse Services Commission.

The fund is funded by an increase in the tax imposed on the retail sale of marijuana and marijuana products from 10% to 15%, an increase on the tax imposed on medical marijuana from 5.5% to 15% and a wholesale tax imposed on the sale of marijuana and marijuana products for retail sale of 3%. Five percent of the revenue from these taxes is deposited in the Substance Abuse Education, Prevention and Treatment Fund; the balance is deposited in the General Fund.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1448 An Act To Clarify Certain Provisions of the Marijuana Legalization Act and To Deter the Use of Marijuana by Minors **CARRIED OVER**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| HARRINGTON M | | |

This bill provides clarifications to the Marijuana Legalization Act, as approved at referendum in November 2016, as follows:

Joint Select Committee on Marijuana Legalization Implementation

1. It specifies that, for purposes of the Marijuana Legalization Act, a minor is a person who is under 21 years of age. The bill prohibits the possession, purchase and transportation of marijuana by minors, and the furnishing of marijuana to minors, except when permitted under the Maine Medical Use of Marijuana Act and in other certain circumstances. The prohibitions in this bill are modeled on the statutes prohibiting the possession, purchase and transportation of alcohol by minors;
2. It specifies that the state licensing authority is the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations;
3. It allows for the limited sale of adult use marijuana while the bureau begins the rule-making process and issuing licenses for retail marijuana establishments pursuant to those rules by allowing medical marijuana dispensaries to sell limited marijuana retail products to persons 21 years of age or older in accordance with certain conditions. These early sales begin on the effective date of this bill and end December 31, 2018, unless the bureau has not yet begun issuing licenses for retail marijuana establishments. In that case, medical marijuana dispensaries can continue to sell limited marijuana retail products until the bureau begins, through final agency action, to issue licenses for retail marijuana establishments. It allows dispensaries to purchase prepared marijuana and marijuana products from registered primary caregivers for purposes of distribution to persons 21 years of age and older. It imposes a marijuana tax of 10% of the sale price of limited marijuana retail products. It allocates 10% of the tax revenue to the host community where the dispensary is located, 45% of the special tax revenue to the Department of Health and Human Services to fund regulatory oversight and enforcement of sales of limited marijuana retail products as well as efforts by the department to deter use of marijuana by persons under 21 years of age and the remaining 45% to the Department of Agriculture, Conservation and Forestry or the bureau to fund administration, regulatory development and enforcement of the Marijuana Legalization Act. It also imposes state sales tax on limited marijuana retail products; and
4. It imposes a cap on the issuance of primary caregiver registry identification cards.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1491 An Act To Provide for Safety, Quality and Transparency in the Retail Marijuana Industry

CARRIED OVER

Sponsor(s)

KATZ R

Committee Report

Amendments Adopted

This bill amends the laws regarding the sale and distribution of marijuana for adult use and medical purposes as follows.

1. It transfers the state licensing authority from the Department of Agriculture, Conservation and Forestry to the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations.
2. It allows for the limited sale of marijuana for adult use while the bureau begins the rule-making process and issuing licenses for retail marijuana establishments pursuant to those rules by allowing dispensaries registered under the Maine Medical Use of Marijuana Act to sell limited marijuana retail products to persons 21 years of age or older in accordance with certain conditions. These early sales provisions are repealed December 31, 2018 unless the bureau has not, as of December 31, 2018, begun issuing licenses for retail marijuana establishments, in which case the dispensaries can continue to sell limited marijuana retail products until the bureau begins, through final agency action, to issue licenses for retail marijuana establishments. It allows registered dispensaries to purchase marijuana and marijuana products from registered primary caregivers for purposes of distribution to persons 21 years of age and older. It imposes a tax of 10% of the sale price of limited marijuana retail products. It allocates 10% of the tax

Joint Select Committee on Marijuana Legalization Implementation

revenue to the municipality where the tax-paying dispensary is located, 45% of the tax revenue to the Department of Health and Human Services to fund regulatory oversight and enforcement of sales of limited marijuana retail products as well as efforts by the department to deter use of marijuana by persons under 21 years of age and the remaining 45% to the bureau to fund administration, regulatory development and enforcement of the Marijuana Legalization Act. It also imposes state sales tax on limited marijuana retail products.

- 3. It imposes additional financial qualifications on applicants for retail marijuana establishments and retail marijuana social clubs to ensure future regulatory compliance.
- 4. It imposes annual financial audit responsibilities on all license holders.
- 5. It removes the requirement that a dispensary under the Maine Medical Use of Marijuana Act be incorporated under the Maine Nonprofit Corporation Act and operated on a not-for-profit basis and exempts such reorganizations from the requirement to obtain court approval or provide notice.
- 6. It imposes Maine state residency requirements on all applicants. It also allows for the transfer of a retail marijuana establishment or social club license to a person or entity that does not meet the residency requirement and allows for investment in a retail marijuana establishment or social club license by a person or entity that does not meet the residency requirement once the retail marijuana establishment or social club licensee has been operational for two years.
- 7. It allows for an entity or individual with a minority ownership interest in a retail marijuana testing facility to also have an ownership interest in a retail marijuana establishment or retail marijuana social club to encourage investment in retail marijuana testing facilities. It prohibits testing facilities from testing retail marijuana and retail marijuana products from or intended to be sold at a medical dispensary, by a caregiver or at a retail marijuana establishment or social club in which the retail marijuana testing facility licensee has any financial interest.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1499 An Act To Better Regulate Marijuana

CARRIED OVER

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| JACKSON T | | |

This bill is a concept draft pursuant to Joint Rule 208.

It proposes to revise the laws regarding recreational marijuana sales and use to:

- 1. Change the state licensing authority from the Department of Agriculture, Conservation and Forestry to the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations;
- 2. Clarify the licensing preferences for medical marijuana dispensaries and caregivers under the Marijuana Legalization Act;
- 3. Establish a provisional license to allow marijuana dispensaries licensed under the Maine Medical Use of Marijuana Act to participate in the retail sale of marijuana prior to the establishment of licenses for retail marijuana establishments;
- 4. Expand protections for minors by modeling the laws regarding distribution, possession and use of marijuana by persons under 21 years of age on the laws prohibiting the distribution, possession and use of alcohol by persons

Joint Select Committee on Marijuana Legalization Implementation

under 21 years of age;

- 5. Establish a special marijuana tax at the rate of 10% on the retail sale of marijuana by marijuana dispensaries. This tax is in addition to the sales tax currently imposed on medical marijuana and is only imposed until the retail sale of marijuana by other establishments is authorized by the bureau;
- 6. Modify the record-keeping, audit and other compliance requirements of a person licensed as a retail marijuana establishment or retail marijuana social club;
- 7. Authorize a nonprofit medical marijuana dispensary to reorganize as a for-profit entity; and
- 8. Increase the sales tax on retail marijuana and marijuana products from 10% to 20%.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1596 An Act To Establish the Cannabis Advisory Commission

CARRIED OVER

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------------------|-------------------------|---------------------------|
| JORGENSEN E DESCHAMBAULT S | | |

This bill establishes the Cannabis Advisory Commission for the purpose of conducting a continuing study of the laws related to cannabis.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1641 An Act To Amend the Marijuana Legalization Act Regarding Retail Marijuana Testing Facilities

**PUBLIC 309
EMERGENCY**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| | | S-326 HAMPER J |

This bill was reported out by the Joint Select Committee on Marijuana Legalization Implementation pursuant to a joint order.

This bill amends the Marijuana Legalization Act with respect to the requirements for retail marijuana testing facilities and the testing of marijuana and marijuana products as follows.

- 1. It clarifies requirements for the testing of marijuana and marijuana products, including the mandatory testing of retail marijuana and retail marijuana products for homogeneity and cannabinoid profiles.
- 2. It clarifies licensing and operational requirements for retail marijuana testing facilities, including requirements that such facilities:
 - A. Be certified by the Department of Health and Human Services, Maine Center for Disease Control and Prevention, be accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a third-party accrediting body, or be certified, registered or accredited by an organization approved by the Department of Agriculture, Conservation and Forestry, and be licensed or approved by the municipality in which the facility is physically located. It authorizes issuance of a provisional retail marijuana testing facility license to a testing facility that has applied for but not yet obtained certification, registration or

Joint Select Committee on Marijuana Legalization Implementation

accreditation from a third-party accrediting body or an approved organization;

B. Meet all operational and technical requirements established by rule and follow testing protocols, standards and criteria established by rule for testing of different forms of marijuana and marijuana products, determining batch size, sampling, testing validity and approval and disapproval;

C. Offer remediation and retesting of marijuana or a marijuana product that fails a test and dispose of used, unused and waste marijuana and marijuana products; and

D. Maintain records of all business transactions and testing and report the results of certain tests to the Department of Agriculture, Conservation and Forestry.

3. It authorizes retail marijuana testing facilities to perform research and product testing and development on marijuana and marijuana products and on substances other than marijuana and marijuana products for that facility or for other retail marijuana establishments or retail marijuana social clubs. It also authorizes testing facilities to provide services to a person intending to use marijuana or a marijuana product for personal use and to a qualifying patient, a registered caregiver and a registered dispensary under the Maine Medical Use of Marijuana Act.

4. It clarifies inspection and record-keeping requirements for retail marijuana licensees, including requiring a licensee to submit to sampling and testing of retail marijuana or retail marijuana products upon demand and without notice by the Department of Agriculture, Conservation and Forestry for the purposes of product quality control.

5. It clarifies the rule-making authority of the Commissioner of Agriculture, Conservation and Forestry regarding the adoption of rules relating to retail marijuana testing facilities and the testing of marijuana and marijuana products and designates those rules as routine technical rules.

The bill also includes an appropriations and allocations section.

Senate Amendment "A" (S-326)

This amendment makes changes to the bill to reflect the designation of the Department of Administrative and Financial Services as the state licensing authority pursuant to Public Law 2017, chapter 278.

This amendment also removes the General Fund appropriations from the bill, replaces them with Other Special Revenue Funds allocations and requires the State Controller to transfer from the Retail Marijuana Regulatory Coordination Fund within the Department of Administrative and Financial Services \$91,032 to the Marijuana Regulation and Licensing Fund program within the Department of Agriculture, Conservation and Forestry and \$84,722 to the Maine Center for Disease Control and Prevention program within the Department of Health and Human Services.

Enacted Law Summary

Public Law 2017, chapter 309 amends the Marijuana Legalization Act with respect to the requirements for retail marijuana testing facilities and the testing of marijuana and marijuana products as follows.

1. It clarifies requirements for the testing of marijuana and marijuana products, including the mandatory testing of retail marijuana and retail marijuana products for homogeneity and cannabinoid profiles.

2. It clarifies licensing and operational requirements for retail marijuana testing facilities, including requirements that such facilities:

A. Be certified by the Department of Health and Human Services, Maine Center for Disease Control and Prevention, be accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a third-party accrediting body, or be certified, registered or accredited by an organization

Joint Select Committee on Marijuana Legalization Implementation

approved by the Department of Agriculture, Conservation and Forestry, and be licensed or approved by the municipality in which the facility is physically located. It authorizes issuance of a provisional retail marijuana testing facility license to a testing facility that has applied for but not yet obtained certification, registration or accreditation from a third-party accrediting body or an approved organization;

B. Meet all operational and technical requirements established by rule and follow testing protocols, standards and criteria established by rule for testing of different forms of marijuana and marijuana products, determining batch size, sampling, testing validity and approval and disapproval;

C. Offer remediation and retesting of marijuana or a marijuana product that fails a test and dispose of used, unused and waste marijuana and marijuana products; and

D. Maintain records of all business transactions and testing and report the results of certain tests to the Department of Agriculture, Conservation and Forestry.

3. It authorizes retail marijuana testing facilities to perform research and product testing and development on marijuana and marijuana products and on substances other than marijuana and marijuana products for that facility or for other retail marijuana establishments or retail marijuana social clubs. It also authorizes testing facilities to provide services to a person intending to use marijuana or a marijuana product for personal use and to a qualifying patient, a registered caregiver and a registered dispensary under the Maine Medical Use of Marijuana Act.

4. It clarifies inspection and record-keeping requirements for retail marijuana licensees, including requiring a licensee to submit to sampling and testing of retail marijuana or retail marijuana products upon demand and without notice by the Department of Agriculture, Conservation and Forestry for the purposes of product quality control.

5. It clarifies the rule-making authority of the Commissioner of Agriculture, Conservation and Forestry regarding the adoption of rules relating to retail marijuana testing facilities and the testing of marijuana and marijuana products and designates those rules as routine technical rules.

This law allocates Other Special Revenue Funds and requires the State Controller to transfer from the Retail Marijuana Regulatory Coordination Fund within the Department of Administrative and Financial Services \$91,032 to the Marijuana Regulation and Licensing Fund program within the Department of Agriculture, Conservation and Forestry and \$84,722 to the Maine Center for Disease Control and Prevention program within the Department of Health and Human Services.

Public Law 2017, chapter 309 was enacted as an emergency measure effective August 2, 2017.

Joint Select Committee on Marijuana Legalization Implementation

SUBJECT INDEX

Licensing

Not Enacted

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| LD 215 | An Act To Require a License for the Possession, Sale, Cultivation or Transportation of Marijuana for Recreational Use | CARRIED OVER |
| LD 301 | An Act To Protect Children from Marijuana Sales by Prohibiting Retail Marijuana Establishments and Social Clubs near Schools | CARRIED OVER |
| LD 498 | An Act Regarding Marijuana Licensing | CARRIED OVER |
| LD 625 | An Act To Prohibit the Location of a Marijuana Facility within 2,000 Feet of a House of Public Worship or Property Associated with a House of Public Worship | CARRIED OVER |
| LD 798 | An Act To Clarify the Intent of the Licensing Provisions in the Marijuana Legalization Act | CARRIED OVER |

Local control

Not Enacted

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| LD 231 | An Act To Allow Municipalities To Regulate the Growing of Marijuana | CARRIED OVER |
| LD 499 | An Act To Allow Municipalities To Prohibit Retail Marijuana Facilities in Safe Zones | CARRIED OVER |
| LD 545 | An Act To Ensure Maine's Unorganized Townships and Plantations Maintain Local Control under Laws Legalizing Marijuana | CARRIED OVER |
| LD 672 | An Act To Clarify a Municipality's Authority To Adopt and Enforce Land Use Regulations for Marijuana Facilities | CARRIED OVER |
| LD 734 | An Act Extending the Time Period for Municipalities To Approve Marijuana Businesses | CARRIED OVER |

Marijuana Legalization Implementation

Not Enacted

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| LD 164 | An Act To Require Tamper-evident Packaging for Recreational Marijuana Products | CARRIED OVER |
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Miscellaneous

Enacted

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| LD 1641 | An Act To Amend the Marijuana Legalization Act Regarding Retail Marijuana Testing Facilities | PUBLIC 309 EMERGENCY |
| LD 310 | An Act To Responsibly Implement an Adult Use Cannabis Program | CARRIED OVER |
| LD 627 | An Act To Establish a Data Collection Program To Monitor Effects of Marijuana Regulation | CARRIED OVER |
| LD 667 | An Act To Repeal the Legalization of Recreational Marijuana | CARRIED OVER |
| LD 799 | An Act To Protect Landlords and Tenants from the Deleterious Effects of Marijuana Use | CARRIED OVER |
| LD 800 | An Act To Prohibit Marijuana on the Campuses of Maine's Public Postsecondary Institutions | Leave to Withdraw Pursuant to Joint Rule 310 |
| LD 854 | An Act To Correct Errors and Inconsistencies in the Marijuana Legalization Act as Approved by the Voters | CARRIED OVER |
| LD 938 | An Act To Harmonize Provisions of "An Act To Legalize Marijuana" with Related Provisions of the Maine Medical Use of Marijuana Act | CARRIED OVER |
| LD 1448 | An Act To Clarify Certain Provisions of the Marijuana Legalization Act and To Deter the Use of Marijuana by Minors | CARRIED OVER |
| LD 1491 | An Act To Provide for Safety, Quality and Transparency in the Retail Marijuana Industry | CARRIED OVER |
| LD 1499 | An Act To Better Regulate Marijuana | CARRIED OVER |
| LD 1596 | An Act To Establish the Cannabis Advisory Commission | CARRIED OVER |

Motor vehicle

Not Enacted

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| LD 596 | An Act To Promote Highway Safety by Restricting the Use of Marijuana and Possession of an Open Marijuana Container in a Motor Vehicle | CARRIED OVER |
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Packaging and labeling

Not Enacted

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| LD 855 | An Act To Protect Children from Edible Cannabis Products | CARRIED OVER |
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State licensing agency

Enacted

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| LD 243 | An Act To Amend the Marijuana Legalization Act to Provide Licensing, Rulemaking and Regulatory and Enforcement Authority within the Department of Administrative and Financial Services; Assign Rulemaking, Regulatory and Enforcement Authority Related to Agricultural Purposes to the Department of Agriculture, Conservation and Forestry; and Allocate Funds for Implementation | PUBLIC 278 EMERGENCY |
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Not Enacted

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| LD 387 | An Act To Provide for Oversight of Maine's Recreational Marijuana Laws | CARRIED OVER |
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Taxation and tax revenues

Not Enacted

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| LD 433 | An Act To Allow Municipalities To Apply a Local Option Sales Tax to the Sale of Marijuana | CARRIED OVER |
| LD 626 | An Act To Provide Funding for County Jails from Sales Tax Collected on Retail Sales of Marijuana and Marijuana Products | CARRIED OVER |
| LD 797 | An Act To Fund Railroad Infrastructure and Operations | CARRIED OVER |
| LD 806 | An Act To Provide Tax Fairness and To Lower Medical Expenses for Patients under the Maine Medical Use of Marijuana Act | CARRIED OVER |
| LD 1197 | An Act to Support Substance Use Disorder Prevention, Treatment and Recovery | CARRIED OVER |
| LD 1209 | An Act To Reserve for County Government One Percent of the Excise Tax Revenue from the Sale of Retail Marijuana | CARRIED OVER |
| LD 1431 | An Act To Dedicate a Portion of the Tax on the Sale of Marijuana to Substance Abuse Prevention and Treatment, Law Enforcement Costs and Regulatory Oversight | CARRIED OVER |