

MAINE STATE LEGISLATURE

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Memo Regarding Protection of the Medical Marijuana Program
February 28, 2017

My name is Debra Isdal-Giroux from Winterport Maine. In 2013 I retired from 30 years of global pharmaceutical market research, left Arizona, gave up my practice of law in Iowa and Arizona to join the Maine medical marijuana community first as patient and then as caregiver.

As you well know, over 3,000 caregivers, comprising a significant number of Maine small businesses, contribute to the economic landscape through paying taxes and being employers.

I urge you to consider a 3 – 5 year moratorium on changes to the medical marijuana program while you focus on setting up a successful recreational program. This will afford more certainty in a governmental environment of uncertainty that harms the existence and growth of small businesses in Maine.

A 5-year business plan is essential for growth and success. We cannot do them now. But the moratorium would provide greater certainty to doctors, caregivers, dispensaries, certifiers and all small businesses supporting the industry including grow shops, so they can plan for growth, purchase equipment, increase supplies and increase employees.

History has shown, when the medical program is not separate from the recreational, Rec eats Medical and harms to the detriment of the health of patients and to the destruction of small business, family livelihoods, the tax revenues for Maine.

It is absolutely clear that the recreational program will bring in big bucks to the economy of Maine. So, focus on that program and leave the medical alone. If the medical is not protected, it will be destroyed, as what happened in Washington State. History has also shown that the black market will prosper, not disappear.

Since 1999 the citizens have clearly spoken: medical marijuana for Mainers. Although reaffirmed in the rec initiative, we cannot just sit back and hope that the program is protected.

I urge you to specifically protect the medical marijuana program by placing a moratorium on changes until the recreational is solid. In the alternative, clearly make sure that the medical program stays distinct, separate.

In my capacity as editor in chief of Maine's monthly medical marijuana magazine, I have heard the uncertainty from physicians, businesses who certify patients, caregivers and patients. My patients, in fact, are extremely fearful they will lose access to the medical that helps them live again, being able for the first time to play in a bouncy castle with grandkids because the pain is controlled after working together months to find the right medicine in the right form. This Grandmother tried the dispensary without success and found success with a caregiver. Her story, among others, are shown in the pamphlet provided.

In September, an 81 year old was told by her Onc nothing more could be done for her cancer. She started intensive cannabis therapy. A December CT showed no cancer. I am not saying all cancer patients will be cured, I am saying that dispensaries serve an important purpose. Some patients need constant hand-holding, support, and a caregiver. Caregivers find the strain that works for a given patient, not just selling what they have.

The federal government has acknowledged the efficacy of cannabis filing a patent on cannabinoids due to their antioxidant and neuroprotective capabilities way back on April 1999.

Maine is a leader in caring for patients. Please put a protective cover over the existing medical marijuana program. It is the best in the nation. Not only have I chosen Maine as my home over Arizona, but many parents with children have come here, too. Because Maine is the best. Please, to speak colloquially, "don't reck it now."

Thank you for listening. You can contact me if you wish: Debra Isdal-Giroux, JD (clearbluedove@gmail.com)

Testimony on the Legalization of Adult Use Marijuana in Maine

Jim Chalmers, Certified Insurance Counselor, Vice-President of Sales, Chalmers
Insurance Group

Before the Special Select Committee on Marijuana Legalization Implementation

February 28, 2017

Senator Katz, Representative Pierce, and distinguished members of the Special Select Committee on Marijuana Legalization Committee, my name is Jim Chalmers, a certified insurance counselor and Vice President of Sales at Chalmers Insurance Group. I am a fourth generation owner of a Maine based insurance agency and take pride in this fact. My agency has been working with businesses in the marijuana sector for some time. I feel that this experience has given me insights into the issues and challenges facing marijuana related businesses and also a strong view on appropriate regulatory responses.

The single most important policy goal of a regulated adult use marijuana system is elimination of illegal market marijuana sales. The illegal market for marijuana poses a threat to Maine's children, since these sellers have no incentive not to sell to minors. It's a threat to public health, since the products sold are not required to meet any standards for purity, safety and quality. The illegal market is a threat to public safety because illegal and illicit activities always carry the threat of violence and put unnecessary strains on law enforcement. All policy and regulatory decisions made by Maine in its implementation of a regulated adult use marijuana system should always be evaluated by the extent to which they contribute to ending illegal market sales.

In addition to the illegal market, grey market sales from the laxly regulated caregiver sector are a serious concern. Caregivers can legally grow significantly more marijuana

than they can legally sell, and this creates an incentive to engage in sales beyond the scope of what the medical marijuana regulations permit. Consolidating the medical and adult systems from a regulatory perspective would help address these issues. Medical marijuana provides important relief to thousands of Mainers, and medical marijuana should have a preferential tax rate. However, the same questions of safety and product quality and elimination of illegal market activities that suffuse the adult use regulatory process should also inform regulation of the medical marijuana market; the same set of stringent rules should govern both markets.

Currently, it's legal in Maine for people 21 and over to possess and use marijuana, but there is nowhere for people to legally buy adult use marijuana. Commercial sales will not commence until February 1, 2018, at the earliest, and probably not for some time after that. The illegal market has a strong incentive to fill this void. The existing medical marijuana dispensaries are highly regulated and all have strong compliance track records. They should be allowed to sell small amounts of marijuana to people 21 and over until the state begins issuing commercial sales licenses in 2018. This approach was successfully employed in Oregon, and is a strong tool for halting the expansion of the illegal market.

The legalization of marijuana in the state of Maine presents opportunities across a wide swath of industries in the state, from construction and security to technology and insurance; we have real potential to create jobs in the state. But, with marijuana still being illegal under federal policy, investors and entrepreneurs are at market risk with unpredictability of enforcement. A clear, predictable, and strong regulatory system will help eliminate some of that risk. Strong regulatory enforcement at the state level will make it less likely that the marijuana industry in Maine will attract federal attention. Predictable rules are the key to successful entrepreneurship.

Finally, the state will have to establish criteria for granting licenses to marijuana-related businesses. It's important that applicants demonstrate a record of compliance, technical capacity, and financial probity and capacity in order to be able to obtain a license. A few ways we can check that record is through tax filings, evidence of adequate standard operating procedures, and evidence of management experience in consumer products, professional, or related fields.

Thank you for your time. I am happy to answer any questions you may have.

Dufour

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Testimony on the Legalization of Adult Use Marijuana in Maine

Peter Dufour, CPA, JD, MBA, Dufour Tax Group, LLC

Before the Special Select Committee on Marijuana Legalization Implementation

February 28, 2017

Senator Katz, Representative Pierce, and distinguished members of the Special Select Committee on Marijuana Legalization Committee, my name is Pete Dufour, a certified public accountant and owner of Dufour Tax Group in Portland. My career has taken me around the country and world- starting as a math teacher for the Peace Corps in Zimbabwe, followed by teaching math at Hebron Academy. I then practiced law in Boston, and when I returned home to Maine to raise my children I made a career switch to accounting. Many of my clients are interested in exploring opportunities in the cannabis industry, and, as a result, rely on us to provide them with strategic tax and accounting advice in this fast-moving and evolving landscape. We feel strongly that we are obligated, as state-licensed certified public accountants, to assist our clients in achieving their business goals, so long as the activities in which they engage are legal for state law purposes.

I wanted to offer some thoughts on the implementation of adult use marijuana in Maine.

Elimination of the illegal market in marijuana sales is a critical goal of marijuana regulation. One important proposal that could help immediately begin reducing illegal

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market sales is some form of interim or “early-roll out” adult use sales. Currently, it’s legal in Maine for people 21 and over to possess and use marijuana, but no place for people to buy it. Commercial sales will now not commence until February 1, 2018, at the earliest, and probably not for some time after that. Illicit market sellers have a strong incentive to fill this void. The existing medical marijuana dispensaries are highly regulated and all have strong compliance track records. They should be allowed to sell small amounts of marijuana to people 21 and over until the state begins issuing commercial sales licenses in 2018. The existing caregivers should be allowed to sell their excess prepared marijuana to the dispensaries at wholesale to mitigate any supply concerns, and to prevent any of them from being tempted with black market activities. This approach was successfully employed in Oregon, and is a strong tool for halting the expansion of the black market and for immediately beginning to migrate consumers from the illegal market to legal sources.

Adult use licensees should be subject to strong record keeping requirements. A robust set of record keeping requirements will be important for monitoring compliance, for ensuring that taxes are being collected, and in the event of adulteration of products, to allow regulators to quickly identify the source of any problems.


The tax rate for adult use marijuana under the Maine Marijuana Legalization Act is 10 percent, which is quite low compared to other states with adult use. The tax revenues generated by sales of marijuana should be enough to fund robust and diligent enforcement of the regulations governing the adult use system. If the tax does not generate adequate revenue, there will be a threat that marijuana regulators cannot do their jobs properly. Strong regulations mean nothing if there is lax enforcement.

Dufour

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Thank you for your time. I am happy to answer any questions you may have.

Yours truly,


Peter Dufour, CPA

Testimony on the Legalization of Adult Use Marijuana in Maine

Marc Fishman, Principal, Fishman Realty Group

Before the Special Select Committee on Marijuana Legalization Implementation

February 28, 2017

Senator Katz, Representative Pierce, and distinguished members of the Special Select Committee on Marijuana Legalization Committee, my name is Marc R. Fishman, of Fishman Realty Group of KW Commercial. I have an extensive career in real estate, having worked as a broker and an investor in Maine real estate for twenty six years. I specialize in real estate site selection for landlords, tenants, buyers and sellers in the cannabis industry. I've relocated cultivators, medical offices, laboratories, extraction companies, retail stores and commercial kitchens within this industry. I also work with real estate investors both on the buyer and seller side. My real estate deals have represented millions of dollars in commerce, and reinvesting into Maine's economy.

The adult use marijuana industry represents a significant opportunity for the Maine real estate community. Maine's cap on adult use canopy space of 800,000 square feet equates to an overall space requirement of roughly 2 million square feet of warehouse (or similar space) for cultivation alone. Retail stores, manufacturers, testing labs, and social clubs also add to space demands.

Landlords are struggling to understand the risks of leasing to marijuana-related businesses, and about the potential for their properties and themselves to be caught in federal law enforcement activities involving their tenants.

One way to mitigate these risks, and to begin allaying the concerns of landlords in Maine, is to implement a regulatory system with enforcement. This will reduce the risk of federal scrutiny of marijuana activities in Maine.

I would also like to address the concern of the illegal market sales. The failure to properly stem illegal and illicit activities surrounding this industry is not only a threat to public health and safety; it is a threat to the entire marijuana industry in Maine, from those directly involved, like cultivators and dispensaries, to people in ancillary professions, like real estate. The real estate industry supports all efforts to eliminate the illegal market.

Thank you for your time. I am happy to answer any questions you may have. I can be reached at 775-6561 with any questions.

Best regards,

Marc R. Fishman

BA-901721

Testimony on the Legalization of Adult Use Marijuana in Maine

Jill Lamoureux, Pure O&M Consulting

Before the Special Select Committee on Marijuana Legalization Implementation

February 28, 2017

My name is Jill Lamoureux, and I am the Chief Executive Officer of Pure O&M

I am a nationally recognized cannabis regulatory expert working out of Denver in Colorado with extensive experience in cultivation, manufacturing and distribution. I was the only industry representative to serve on both the Colorado Department of Public Health and Environment and the Colorado Department of Revenue medical marijuana advisory committees. I also serve as a subject matter expert to BOTECH Analysis Corporation for Washington State and the Commonwealth of Jamaica, advising those jurisdictions on a variety of regulatory issues. I regularly provide strategic consulting to public and private clients on a variety of issues from operations and regulations to finance and due diligence. I am a former chair of the National Cannabis Industry Association.

I am acquainted with some of the members of Maine Professionals for Regulating Marijuana as a result of various professional activities. I have been briefed on MPRM's work, and was asked to provide some testimony to the Joint Standing Committee on Marijuana Implementation concerning lessons from

Eliminating the illegal market is generally regarded as a key, central goal of a regulatory regime in adult use marijuana. I wanted offer a few insights about policy decisions that will influence

how effective the state of Maine is in accomplishing that goal, based on my experiences in other jurisdictions:

1. Setting an appropriate tax rate is a critical component of a successful marijuana regulatory regime. Regulation of adult use marijuana must be self-funding, meaning that the costs of paying the regulatory agency should come from the tax revenues raised on marijuana taxes. This is the best way to ensure that there is funding for a robust level of enforcement and oversight of the adult use regulatory system. At the same time, there needs to be some flexibility in how the tax rate is set and adjusted from time to time. The differential between illegal market prices and regulated market prices is a major factor in elimination of black market activities. Just as under-taxation decreases the ability of regulators to enforce laws and regulations, over-taxation has the negative effect of driving consumers to the illegal market. As marijuana prices fluctuate, the sales tax rate should be reset from time to time to balance revenue generation on the one hand and price competition with the illicit market on the other. Preferably, the regulator would have the ability to adjust the tax rate from time to time, to make this process more efficient and more immediately responsive to market conditions.

2. I understand that the Maine adult use system will afford significant control over marijuana regulation to municipalities. In my experience, it's important for there to be clear lines of communication between the state regulator and municipalities. Municipal officials will need significant education and input from state regulators when considering local licensing and zoning decisions. Similarly, state regulators need to understand the concerns and desires of local officials when establishing statewide licensing and operational regulations. In my experience the failure of states to provide for these information flows and channels of communication has been detrimental to the overall regulatory effort and cause significant delays in implementation.

3. In some instances, states have implemented regulations with the best of intentions, and then found that market conditions or other practical considerations made enforcement of the regulations impractical, or that the regulations themselves create unforeseen negative consequences. One example of this would be the testing lab certification requirements established by the state of Oregon. Testing labs were required to obtain a certification from the state in order to test marijuana for purity and potency, which was a requirement of the state

regulatory system. The state was very slow to issue these certifications, with the result being that marijuana retailers were unable to obtain products, since there were not enough labs up and running to do the required testing. This caused financial difficulties for many licensees and left consumer frustrated. I describe this scenario to suggest that the state regulator should have the power to temporarily waive or suspend certain aspects of the regulations which will govern Maine's adult use marijuana market if it concludes that doing so is important to the efficient and sensible operation of that market and can be done in a way that protects consumer safety. For instance, if testing regulations were to be delayed, labeling should indicate that the product has not undergone testing.

I thank the committee for its attention to these thoughts.



**RETAIL
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February 28, 2017

Senator Roger Katz, Chair
Representative Teresa Pierce, Chair
Members of the Marijuana Legalization Implementation Committee

RE: Public Comment from Retail Association of Maine

Dear Senator Katz, Representative Pierce and members of the Marijuana Legalization Implementation Committee:

My name is Curtis Picard and I am the Executive Director of the Retail Association of Maine. I am a resident of Topsham. We have more than 350 members statewide and represent retailers of all sizes. Maine's retailers employ nearly 90,000 Mainers. We are here today to provide some comments to the committee as you tackle the task of successfully implementing the marijuana legalization referendum.

We have two major points for your consideration.

First, prior to the enactment of the referendum and continuing after the election, our members main concern with the law is how to navigate the issue of impairment in the workplace when recreational marijuana is involved. Without question, businesses of all types, not just retailers, take safety enormously seriously. Keeping well-trained employees safe and a productive part of the workforce is critical to business success, but there is also an economic benefit to lowered workers' compensation costs from both insurance and claims. However, workplace accidents do happen and sometimes the cause is some form of impairment. As you know, the big challenge is how to accurately measure impairment if marijuana or its derivatives are involved. While it is easy to measure blood alcohol or even the impairment of other opioids, science has not yet caught up to provide a reliable measure of impairment when it involves marijuana. Maine is not unique in trying to navigate this, but we thought it was important to publicly reiterate it.

Related to that issue was the concern from our member to section of the legislation that referred to Employment Policies. Section 2454 of the referendum language, section 3 states, "A school, employer or landlord may not refuse to enroll or employ or lease to or otherwise penalize a person 21 years of age or older solely for that person's consuming marijuana outside of the school's, employer's or landlord's

property.” Our concern is that it would expose employers to potential lawsuits for choosing not to hire a particular applicant.

Finally, the marijuana law authorizes retail stores to be opened with specific parameters. As the state retail association since the 1930’s, one of our strengths as a trade association for retailers is to provide our members with sound business practices. In fact, we count both the Wellness Connection of Maine and Remedy as members of our association and they have been excellent in sharing their business practice skills because they want to be an active part of Maine’s business community. In fact, we think the committee should take a close look at how the existing dispensaries will be able to easily transfer to full retail operations. Given their structure and experience, they can be the model for how marijuana retail operations can operate successfully. Additionally, the committee could consider some sort of retail certification for marijuana retailer shops not unlike the Serv-Safe program for restaurants and food service establishments. The Retail Association of Maine would be happy to work with the committee to draft up language to establish a training program for this industry.

Thank you for the opportunity to present our thoughts.

Sincerely,

Curtis Picard, CAE
Executive Director

Paul T. McCarrier, Legalize Maine

Paul@Legalizemaine.net 207-615-4457

Chairman Katz, Chairwoman Pierce and members of the Joint Select Committee on Marijuana Legalization Implementation, my name is Paul T. McCarrier and I am the President of Legalize Maine. We are the local organization that collected signatures to put it on the ballot and spoke to voters from Kittery to Madawaska about legalizing cannabis in Maine. We have dozens of members across Maine who are closely following this committee's work. We want to thank you for holding this public forum and look forward to working with you as the committee continues its work this session.

Since qualifying for the ballot in early 2016, there has been some confusion about the origins of the legalization initiative and the involvement of local and national groups. I am here to offer some background on this. In 2015, there were two groups working on separate initiatives to legalize marijuana for adults 21 and older in Maine, one the DC based Marijuana Policy Project and the Maine based group Legalize Maine. We had attempted to come together under one banner in February of 2015, but were unable to because of differences in ideology and Legalize Maine's desire to maintain local control over the language. **There should be no confusion about the origins of this initiative, it was 100% written by Mainers and for Mainers.** There was no out-of-state influence when Legalize Maine authored the initiative or when we collected signatures from over 95,000 Mainers. This initiative was tailored to Maine's strong tradition of local control, our agricultural heritage and vibrant tourism industry. That is why we put into the initiative the ability for municipalities to regulate or prohibit adult use marijuana facilities, assigned the Department of Agriculture as the regulatory agency and allow first in the nation social clubs for adults to have a place to gather, socialize and responsibly consume marijuana. This citizens initiative is also unique, being the first marijuana legalization initiative written by locals to be passed at the ballot.

We strongly identify with Maine values and the importance of ensuring this benefits Maine socially and economically. It was because of these values we decided to enter into a coalition with the Marijuana Policy Project in October of 2015 to ensure that there was only one marijuana legalization question on the ballot so not to confuse voters and that it was the local Maine language that would be

Paul T. McCarrier, Legalize Maine

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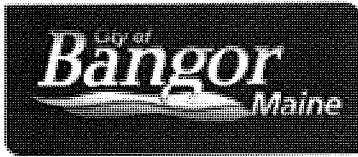
voted on in November of 2016.

As we all know, Maine has a long history and relationship with marijuana. It has been a cash crop, though an illegal one, for over 50 years and possessions of small amounts have been decriminalized since the 70's. In this room and across the state, you have experts when it comes to the cultivation, processing, retailing and marijuana's effects. It is our hope that you use these Mainer's as a resource to help this committee as it develops additional laws and regulations concerning implementing this law.

When we authored the initiative, gathered signatures and were speaking to voters, we made it clear that legalization should not be used to dismantle the current medical marijuana program. This was one of the most controversial issues that I personally encountered when advocating for ending marijuana prohibition for adults, as many feared that the medical marijuana program would be absorbed and cause unforeseen harm to patients use need specific strains and formulas that can only be provided to them by their specific caregiver or dispensary. Maine's medical marijuana program has over 50,000 patients and 3,000 providers who offer special services for those who need them. We hope that this committee respects the intent of the initiative as written to keep the medical marijuana program separate from the adult use program.

From the three years that I have worked on adult use marijuana policy and from hundreds of discussions with Mainers across the state, the most important issue to these people was ensuring that the licenses went to Mainer's, not out-of-state entities. This is a golden opportunity to provide a vibrant boost to our local communities, through providing additional tax revenue to the state and jobs to our people. The profits from this industry should stay in Maine to benefit all Mainers. We hope that the committee sees the wisdom in keeping all licenses in the hands of Mainers and ensures that the licensing process does that.

I want to thank you for taking on this difficult task of implementing this new law and look forward to working with the committee as this session draws on. Thank you.



Testimony Before the Joint Select Committee on Marijuana Legalization Implementation

February 28, 2017

Senator Katz, Representative Pierce, and members of the Joint Select Committee on Marijuana Legalization Implementation, my name is Paul Nicklas and I am the Assistant City Solicitor for the City of Bangor. I am testifying on behalf of the City of Bangor neither for nor against the many bills you have before you.

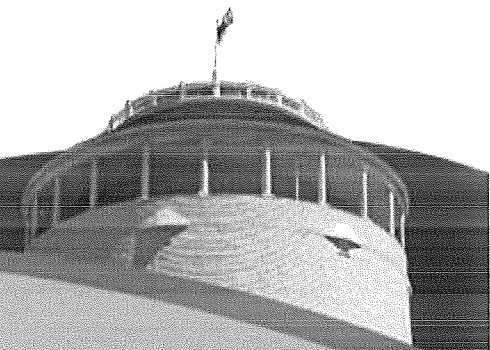
Rather than take specific positions on the bills before you, the purpose of my testimony is to urge the Committee to take into account several factors that are of concern to Bangor and, I suspect, many others in this state. These specific concerns center around public safety, life safety, and taxes.

First, public safety, and more specifically, impaired driving. According to Maine's Department of Public Safety, drunk driving causes more deaths and injuries than any other violent crime; we should be careful about opening the door to a greater incidence of impaired driving. And unlike alcohol, Maine has not yet identified an efficient, effective test that law enforcement can use to determine marijuana impairment. The Marijuana Legalization Act allows for consumption of marijuana at social clubs, which will inevitably lead to incidences of impaired driving. Police already struggle with enforcing impaired driving laws for drugs other than alcohol using existing drug testing protocols. Once social clubs have opened and recreational use is in full swing, law enforcement will need a better system for testing that is officially approved.

Second, life safety, and more specifically, cultivation in apartments. Marijuana cultivation is notoriously energy-intensive, and can represent a significant fire hazard. The state has already seen fires in apartments where marijuana was being cultivated. Cultivation for personal use is one thing, but larger-scale cultivation in apartments should not be allowed. Bangor can work to regulate this in Bangor, but we will have more success if there was a consistent scheme of regulation across the state.

Finally, a word on taxes. As it stands now, all taxes on retail marijuana will go to the state, but the negative effects of legalization – greater enforcement efforts to deal with impaired drivers, costs of fighting fires created by improper grow operations – largely burden municipalities. Please correct this.

Thank you, and I would be happy to answer any questions you may have.



Maine Public Radio on February 5, 2017
hosted program Marijuana.

Dr. James Lee - Harvard Med. Ctr said
passage of recreational marijuana just
gave more access to this drug to youth.
Its normalization - greater addiction
because this age group (12 and up)
brains still developing. Callous to give
more accessibility to this age group.
Additionally - during this experts said
marijuana usage already rampant
in Maine high schools.

To me, the impetus for recreational
marijuana and its advocacy by
legislators who promoted this bill
are callous, uncaring money grabbers
themselves!

Who sponsored the original recreational
marijuana bill and what legislators
voted this bill?

What kind of people are they
in this movement for legalized
recreational marijuana?

I urge all thinking citizens
to ban retail shops and smoking
clubs from their towns. *Elaine B. Brasler*



Introductions to the Joint Select Committee on Marijuana Legalization Implementation

Senator Katz, Representative Pierce, and members of the Joint Select Committee on Marijuana Legalization Implementation, my name is Alysia Melnick and I am here on behalf of Yes on 1: Regulate and Tax Marijuana – the citizen initiated campaign that successfully legalized marijuana for adults in Maine this past November.

Over the past six months, I worked as the political director for the Yes on 1 campaign and acted as the attorney overseeing the recount on behalf of Question 1. Previously, I worked on promoting sensible drug policy, including extensive involvement in developing Maine’s medical marijuana program, for the last ten years.

And I want to thank you for your service to Maine and for your willingness to serve on this Committee charged with efficient, responsible implementation of the Marijuana Legalization Act. We are aware that this can feel like a daunting task, and that none of you ran for office with this as your primary issue – and we thank you for respecting the decision of Maine voters. This is a states rights issue, a civil rights issue, a public safety issue, a health issue, and a jobs and economic stimulus issue.

As we all know, this past fall Maine, Massachusetts, California and Nevada joined Alaska, Colorado, Oregon and Washington to legalize marijuana use through the ballot.

It is true that implementing the Marijuana Legalization Act involves a wide array of changes to diverse areas of law and policy, and we understand your commitment to be thorough in your process as you wade through the decisions before you. We urge you to remember a couple of things: First, the goal of this Committee is to responsibly and efficiently implement Question 1, including “expediently” resolving outstanding issues. Second, you’re not inventing this system from scratch. There are models to learn from in other states, as well as reflection on what works and doesn’t within our medical marijuana program.

We also believe that there are certain issues that should be “off the table” for consideration. Those include setting the age of 21, protecting the medical marijuana program, and avoiding required vertical integration.

We believe that we can implement the law “expediently” so that we are prepared and ready to take advantage of the economic, employment, health and civil liberties benefits approved by Maine voters.

In order to avoid a situation, as they faced in other states, in which they had retail sales begin without adequate supply, and in order to efficiently implement the law, we suggest a phased in approach to consideration of the issues and the fifty plus bills before you, beginning with those already in effect (such as employer/employee concerns) and progressing out, step by step, to those (like testing, licensing for cultivation licensing and packaging) that are required to resolve before we begin retailing.

The trend of voter approval in these eight states mirrors strong and steadily growing approval nationwide. Even despite recent comments from the President and the continued illegality under federal law, legislators and advocates in additional states are gearing up to push for this policy change as they witness the tremendous and ongoing economic and job benefits enjoyed by legal states combined with the lack of significant problems in legal states feared by opponents.

Colorado officials report the state brought in \$200 million in tax revenue last year alone. Washington took in even more — about \$256 million – with most of the money allocated for public school systems (with additional money generated at the local level used for everything from college scholarships to addressing homelessness).

Governor Hickenlooper has said that fewer people are dealing drugs in the wake of legalization in his state of Colorado. The best way to undercutting the underground market here as well – a market doesn’t ID its customers, doesn’t test its products for safety or potency and often has more addictive, serious drugs to sell their customers – is via timely, responsible implementation of the legal, regulated market for adults. And the legal cannabis marketplace is estimated to create more than 250,000 new jobs for American workers and \$24 billion in sales by 2020, according to a new analysis by New Frontier Data, which tracks industry trends.

Ultimately, this Committee has the ability and the charge to implement the law and provide these opportunities to Maine farmers, business owners, entrepreneurs, patients, electricians, HVAC technicians, realtors, and others directly and indirectly involved in this statewide industry.

Stakeholders on all sides of the issue stand ready to assist and support this Committee as you delve into the law – and believe you all have the ability and resources to get the job done within the designated one year timeframe. Above all, we want to ensure that Question 1 is implemented in a timely and responsible manner. Thank you for this opportunity and I look forward to working with you .

Good afternoon. My name is Peter Tranchemontagne. I am a patient who has no choice but to use cannabis daily for medicinal purposes. I am also a tax paying Caregiver for the State of Maine. I am president of Uncle Pete's Re-Leaf, my caregiving business, and co-owner of Green Gold Inc., with my wife, son and daughter-in-law.

I would like to take this time to thank each one of you on this committee. Your time is valuable and it is not being wasted. Thank you.

I would like to read to you one of many e-mails I received daily from concerned voters since the election.

"My mom and brother both have Crohn's disease. My brother has asked his doctors time and again for his medical card. The office said no simply because he is not in constant pain. That is BS as you know. Going recreational is just not so everyone can get high. It is also for the people who cannot get access to a medical card. My mom of all people, is thrilled with what you are doing. Thank you for making a difference."

I would like to express, when I receive these e-mails, it is utterly frustrating knowing the use of cannabis is being delayed to people who are not able to gain access legally. Most people are not able to grow and produce their own marijuana, which leads them unwillingly to the black market.

In regards to taxing recreational marijuana, we support 23% tax, and 0% tax on medical patients. We have worked with our accountant, and the Maine Revenue Service, to reclassify the caregiver tax codes.

Recreational marijuana is going to benefit Maine's economy substantially. Our license plate states Vacationland. There will be a tremendous increase in our state revenue as all industries will benefit from the sales of marijuana.

I received a very generous offer from Mr. Bob Eschino of Encredibles, from the state of Colorado. Mr. Eschino has offered to assist this committee on smart rules for edibles and extracts. He is a leading expert in this industry. This offer should not be ignored.

In closing, my wife and family openly invite each committee member to our caregiver businesses for further discussion, and any assistance we may be able to provide you and the State of Maine. Thank you for your time. Any questions?

Peter Tranchemontagne

Uncle Pete's ReLeaf
207-608-7797



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Joint Standing Committee on Marijuana Legalization Implementation

Representative Matthew Harrington

Good afternoon Senator Katz, Representative Pierce, and Members of the Joint Standing Committee on Marijuana Legalization Implementation. My name is Matt Harrington, and I represent District 19, part of the City of Sanford. I have spent my career in law enforcement, and have first-hand knowledge of the issue that the Legislature and this Committee is dealing with – trying to regulate an industry in which many of the participants are out of control and unregulated.

The Legislature now has the opportunity to develop a program for adults that will maximize safety, protect our youth, and dramatically increase state and local revenue, while bringing the current situation under control.

Every adult in Maine may now use, possess and cultivate marijuana. If we have to wait several years for a regulated adult use system, the black market will grow much worse than it already is. LD 88 began the legislative process by ensuring that minors may not possess marijuana and clarifying that marijuana may not be used in public. We are losing precious time to gain control of the marijuana industry in the State of Maine. Please work diligently to put in place a system that regulates and controls the entire marijuana industry in Maine.

I have submitted emergency legislation that likely will be considered by this Committee. This bill seeks to continue to fix the minor issue in a more expansive manner than was done in LD 88, by treating the prohibitions against marijuana possession and use for minors like current law for alcohol. My bill also seeks a moratorium on the medical program, as it is growing uncontrolled at this point.

In order to stem the rise in the black market, my bill will allow for the regulated aspect of the medical program to be able to sell into the adult use market limited quantities until the adult use program is developed. The dispensaries, which are already highly regulated and exist as nonprofits, will be able to sell marijuana they grow or marijuana purchased from caregivers. The dispensaries will temporarily act as the gateway to the adult use program to ensure that safe product is sold and accounted for. These early sales will only be sold from the excess of the medical program and not require any further registration or licensing. Taxes collected from these early sales could be used to fund the adult use program, which is not currently included in

the budget, and to assist host communities. This program is based on a similar program developed in Oregon, which helped them transition to an adult use program.

We must also look at the impaired driving aspect of this. I still work as a police officer when not up here performing my legislative duties. I have already seen numerous people smoking marijuana while driving. People are uneducated on the laws and feel that it is a free for all, now that marijuana is legal. This committee should look at requiring all law enforcement officers to complete the Advanced Roadside Impaired Driving Enforcement (ARIDE) program. This training program is only a few days, however will provide officers with the ability to administer the lack of convergence test, which helps determine marijuana impairment. This program will hopefully also act as a gateway into the Drug Recognition Expert (DRE) program. Maine is in desperate need of more DRE's.

Please work as quickly, but as diligently, as possible to develop a strong, enforceable adult use program.

Thank you.

Good afternoon Senator Katz and Representative Pierce, and members of the Marijuana Legalization Implementation Committee and thank you all so much for this public forum, my name is Ryan Harmon representing Legalize Maine.

I come before you today to discuss the implementation of recreational marijuana, voted upon by the majority of Maine voters.

First, in summary, in the new law as voted upon by Maine people, allows the possession and use of marijuana by a person 21 years of age or older. It provides for the licensure of retail marijuana facilities including retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, retail marijuana testing facilities and retail marijuana stores. It also provides for the licensure of retail marijuana social clubs where retail marijuana products may be sold to consumers for consumption on the licensed premises. It provides for regulation and control of the cultivation, manufacture, distribution and sale of marijuana by the Department of Agriculture, Conservation and Forestry. It allows the department to establish limitations on retail marijuana cultivation

Also, the new law as passed the Maine people, allows a person 21 years of age or older to use, possess or transport marijuana accessories and up to 2 1/2 ounces of prepared marijuana; transfer or furnish, without remuneration, up to 2 1/2 ounces of marijuana and up to 6 immature plants or seedlings to a person who is 21 years of age or older; possess, grow, cultivate, process or transport up to 6 flowering marijuana plants, 12 immature marijuana plants and unlimited seedlings, and possess all the marijuana produced by the marijuana plants at that person's residence;

purchase up to 2 1/2 ounces of marijuana and marijuana accessories from a retail marijuana store; and purchase up to 12 marijuana seedlings or immature marijuana plants from a retail marijuana cultivator. It allows the home cultivation of marijuana for personal use of up to 6 flowering marijuana plants by a person 21 years of age or older.

The new law as voted upon by the Maine people, places a sales tax of 10% on retail marijuana and retail marijuana products.

It is important for this new committee to focus on enacting the new law with input & participation from the cannabis entrepreneurs, businesses, individuals and the community at large. The committee's work should be done, only pertaining to the recreational use of marijuana as approved by the Maine voters. It is important to note, The legislature has the option to add language to a citizens initiative to fill "holes" where the initiative was not clear or did not address, or if there is need for funding sections of the initiative.

Just as important, is the history of the legislature respecting the will of the voters regarding citizen initiatives. Please continue to respect that tradition.

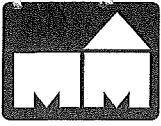
I also ask the committee to keep in mind that Maine was one of seven states in 2016, more states than any other previous election cycle that passed some form of marijuana legalization, thus nullifying federal marijuana prohibition, importantly, it sounds like more states are willing to do so including NH in upcoming election cycles.

I understand a few may have questions in regards to federal nullification, federal law vs. state law, the justification for nullification is this: States preceded the union, in order for the union to form the federal government apparatus, the "free and independent states" had to make the decision to do

so. In Article 2, of the Articles of Confederation, later expressed more broadly in the 10th Amendment, - "Each state retains its sovereignty, freedom, and independence, and every Power, Jurisdiction, and rights."

In closing, I ask the committee in its future direction and work, to implement the new law as passed by the Maine voters. Question 1, has cleared more unexpected political roadblocks, than most referendum questions in my recent memory. No more delays, no more changes, no more politics. Mainers have spoken - time is now.

Thank you Sen. Katz and Rep. Pierce and the rest of the MLI Committee for listening and your time here today.



Maine Municipal Association

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Testimony of the Maine Municipal Association To the Committee on Marijuana Legalization Implementation

February 28, 2017

Senator Katz, Representative Pierce, members of the Marijuana Legalization Implementation Committee, my name is Geoff Herman and I am providing the following input regarding the implementation of legalized marijuana on behalf of the Maine Municipal Association.

The primary interest of the municipal community with respect to your task is to establish a clear and coherent interface between the state and local regulatory systems for all commercial marijuana facilities. The initiative is generous with respect to its recognition and respect for municipal home rule authority, for which the local governments are grateful. There is a significant amount of confusion, however, about how the state's system of licensing retail marijuana facilities would integrate with the municipal approval process. Of the fourteen sections the initiative creates in Title 7, there are five that should be clarified by amendments, from the municipal perspective, to ensure a smooth regulatory relationship between the state and the local governments. The following review focuses on those five sections, in some rough order of priority.

Sec. 2447. License application and issuance, and Sec. 2449. Local licensing.

These two sections, which deal with state licensing and local licensing procedures, need to be clarified as to the meaning of certain terms and procedures and otherwise coordinated to resolve ambiguities.

State licensing. For the state licensing process, section 2447 initially provides in its first paragraph that the state will issue a license only conditionally, dependent upon subsequent municipal approval. In subsection 3(C) of the same section, the state licensing authority is directed to issue an initial license or license renewal unless, among other standards, it is notified by the municipality that the "applicant" (presumably meaning "application") is not in compliance with an ordinance, rule or regulation or that the number of permissible retail establishments has been limited by local ordinance and the limit has been reached.

Regarding the same procedure, in section 2449 (3-4), when the state receives an application for license or renewal, the application and 50% of the licensing fee is provided to the municipality. The municipality must determine if the application complies with local ordinances and other “time, place, manner and number” restrictions adopted by the municipality, and inform the state of the results of that review within 14 days.

Also, in section 2447(3)(D)(1), when the state receives more than one application for a retail marijuana establishment in a particular municipality that has established a limit on the total number of establishments allowed in that category, the state will seek input from the municipality with regard to the municipality’s preference.

Issues raised with respect to state licensing:

Who speaks for the municipality? Generally, when state statute uses the term “municipality” in the context of taking an action or making a decision, the term refers to the municipality’s legislative body, meaning the town meeting in approximately 410 municipalities or the town or city council in the remaining 80 municipalities. It would be unprecedented to have these types of land use regulatory and license permitting decisions decided on an application-by-application basis by a legislative body. Land use regulatory decisions of this kind would typically be made by the municipality’s Planning Board, after a review of an application and public hearing. In the absence of a Planning Board, the decision would be made by the municipal officers. Licensing an activity, which is a regulatory system distinct and separate from land use approval, is focused on the ongoing operations of the permitted activity, and is more typically performed by the board of municipal officers or the board’s designee.

14 days? To receive, competently review, and determine with authority that a written application for a marijuana retail facility complies with all municipal ordinances, and then return that information to the state licensing authority within 14 days, is entirely unrealistic.

Effect of initially determining compliance. There is a sense in the initiated law that the functional purpose of the local determination of an application’s compliance with local ordinances is primarily to find out if the application is prohibited *per se* rather than to gauge its likelihood of ultimate municipal approval. If that is the case, what follows is the question the municipality should be asked. *Has the municipality adopted a prohibition on the retail marijuana facility that is the subject of this application or adopted a limitation on the number of such facilities that would prevent this application from being locally approved?* That is a substantially easier question for the municipality to quickly respond to than a complete review of a written application for land use regulatory compliance. It should be noted that there is far more to a determination of a land use application’s “compliance” with municipal ordinances than a review of a written application. There are issues of whether the application is complete. There are potential neighborhood impact scenarios that only come to light in the overall application review process and public hearing. Significant conflicts and litigation openings could be created

by a state law that requires a municipality to opine as to the “compliance” of a written application before the municipal review process even begins.

Municipal preference criteria? There is something unusual about a system of licensing approval that relies upon, or potentially relies upon, the articulation of a municipal preference among multiple competing applications. The municipal concern is that this provision of the initiated bill sets up something of an “attractive nuisance”; that is, a circumstance where the “municipality” (whichever designated entity in the municipality that may turn out to be) articulates a preference in the absence of codified criteria and gets into a world of trouble along the lines of discrimination and equal protection claims.

Local licensing. Section 2449 is entitled “Local licensing” but immediately makes reference to the subchapter of municipal law related to zoning (30-A MRS, chapter 187, subchapter 3). Zoning isn’t licensing. In addition, subsection 1 of this section authorizes municipalities to adopt and enforce regulations “at least as restrictive” as state law and rules, and further empowers the town’s citizens to “call for a vote” on any regulations adopted by the municipal legislative body. Subsection 4 of this section authorizes municipal licensing requirements, and subsection 5 establishes certain public hearing notice requirements if a municipality chooses to “issue local licenses”. That notice requirement includes posting notices of the public hearing on the proposed premises of operation, which would be unprecedented.

Issues raised with respect to local licensing.

Land use regulation vs. licensing. As discussed above, municipal land use regulatory systems focus on the compliance of a development proposal with the land use ordinances that serve to regulate development in that community. In contrast, a licensing regulatory authority is focused on the ongoing operations of a permitted activity and the periodic reauthorization of those licenses is designed to ensure an ongoing compliance with the terms of licensure. Two different regulatory systems.

Municipal regulation limited to “town wide” zoning? It is entirely possible that the statute’s reference to municipal zoning law would be interpreted as a limitation that renders municipal regulation invalid if not based on a zoning ordinance. For example, many municipalities without zoning have regulatory systems in place that allow for a local review and approval process with respect to commercial activities with potential neighborhood impacts. Examples include sign ordinances, noise ordinances, and site plan review ordinances that apply wherever the commercial enterprise is located in a community and without regard to geographically segregated zoning districts. There would be municipal opposition to a state law that would allow local regulation of retail marijuana establishments only by those municipalities with municipal-wide zoning regulation. Alternative language to the first sentence in section 2449 (1) might be: “A municipality may regulate with respect to the operations and land use impacts of retail marijuana establishments and retail marijuana social clubs under home rule authority as long as not inconsistent with state law.”

“At least as restrictive?” The term “at least as restrictive as state law” as used in section 2449(1) is likely to be translated as “no more restrictive than state law.” The problem with a “no more restrictive” standard in this case is that the initiated law and state regulation it envisions does not inhabit the same regulatory field as the municipal regulatory system. The state law and regulation, for example, will likely not deal with the hours of operation, traffic management, signage and lighting standards, etc. As a result, prohibiting all municipal regulation that is thought to be “more restrictive” than state law could serve to nullify most municipal regulation.

“Call for a vote?” There are systems already in place, both in state law and in municipal charters, for the citizens to advance ordinances or regulations to their legislative body or challenge policies adopted by the local legislature. Those systems vary among the communities that have adopted town or city charters and there is no system in state law for the citizens to “call for a vote”. What citizens are allowed to do in municipalities without charters is to advance by petition the local legislation they would prefer to see enacted. There is no reason why the marijuana legalization law should establish an *ad hoc* right to “call for a vote” (whatever that means) where the citizens’ rights are already established and defined in statute and charter.

Notice requirements for licensing public hearings. Because of the initiated law’s ambiguous use of the term “licensing”, it is unclear whether required public hearing noticing requirements are intended to apply only to licensing hearings or to public hearings associated with the land use approval process as well. Also, the placement of posted notices for public hearing purposes is well established in all municipalities and in no circumstance are public hearing posted notices required to be placed on the site of the proposed development.

Section 2444(2)(H) and Section 2446(3). The subsection of section 2444 requires the promulgated rules to “secure and record permission for a local fire department or the State Fire Marshal to conduct an annual fire inspection of a retail marijuana cultivation facility.” The subsection of section 2446 directs the state to adopt rules and processes for training “local jurisdictions” and law enforcement officers in the law, including the requirements for inspections, investigations, searches, seizures, forfeitures and such additional activities as may become necessary from time to time.

The issue raised by these seemingly well-intentioned requirements is whether they are (a) potentially limiting or (b) mandates in the works. Are fire department inspections only to be done on an annual basis? Are annual fire department inspections going to be mandatory? If “local jurisdictions” are different from local law enforcement, which local officials or employees at the local level are going to be subject to these training opportunities, and are the various requirements for inspections, investigations, and additional activities going to be mandatory?

Section 2448, subsections 3(C)(1) and 7(C)(1). These subsections protect a marijuana retailer’s license even when cited, perhaps persistently, for selling marijuana to minors. The license protection is provided if the retailer was presented a fraudulent identification by the

minor, which will presumably always be the case. That blanket protection of the license in statute for underage sales should be repealed.

Thank you for this opportunity to provide a review of some of the major issues for consideration with respect to the state-local regulatory intersection for commercial marijuana facilities. This testimony does not deal exhaustively with every single question the initiated law raises from the municipal perspective, but it attempts to identify the issues of greatest concern. There are dozens of other miscellaneous issues that the municipal community will monitoring as the Committee's work continues and the rule promulgation process begins.

Senator Roger Katz (R-Augusta)
House Chair, Rep. Teresa Pierce (D-Falmouth)

Good Afternoon

Thank You for giving us **ALL** the opportunity to come before you on this very important issue and be able to **freely** express our concerns and suggestions.

My name is Scott Durst and I am a former Law Enforcement officer here in the State of Maine with over 32 years of experience with 21 of those years as an Agent with Maine Drug Enforcement.

I am currently a **Security Specialist** focusing on providing a safe and secure working environment within the Cannabis industry.

The **two most** important concerns I have moving forward with the drafting and implementation of this document is **Enforcement and Security**.

Before these laws and policy's can move forward the formation of a transparent and professional enforcement division needs to be put in place. A unit that has the authority and tools to make sure that **ALL** who are participating in producing and distributing Cannabis ether recreational or medical has a level playing field and abide by all the rules and laws that this document will spell out. This has not been the case over the past several years on the medical side. What has come from the **TOTAL** lack of control has been the explosion of the black market or should I say the "Green Market". This has not been created by the handful of highly regulated companies, but basically through a **percentage** of the unchecked Caregiver population. I am hoping that the laws and policy's developed here along with a fair and supported enforcement division will make sure that all who benefit from this industry will fully support and abide by these laws. Maine needs to be the example and be out front in showing not only the citizens of Maine that we take this very seriously, but to the rest of the country and to this administration.

My second point focuses on Security for this industry. With the legalization of medical marijuana and now recreational brings with it a criminal side. The criminal element is targeting this industry. All you need to do is look at the situation in Colorado where with allowing over 2,500 dispensaries with inadequate control and security has produced serious criminal activities. There needs to be **required security protocols and policies** put in place to provide a safe and secure environment from the grow faculties to the dispensaries. There also needs to be **professional trained staff** at these locations to provide that security for employes and customers. There needs to be an ongoing open relationship with local and State law enforcement whether your a local caregiver or a dispensary downtown Portland. I have witnessed this relationship first hand which has provided a transparent and open working environment which has broken down preconceived feelings and emotions from both


the officers, the dispensaries staff and customers . Better communication and open dialog from all those who will be impacted on this issue will I believe provide needed education and **accurate** information so that Maine citizens can feel safe and secure as we move forward on this issue.

Thank You



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Build trains, not lanes!

To: Maine Legislature Committee On Marijuana Legalization Implementation
From: Anthony J. Donovan, Maine Rail Transit Coalition 
Date: February 28, 2017
Re: Act to Legalize Marijuana"

**Testimony of Anthony J. Donovan, Founding Member, CEO
Maine Rail Transit Coalition**

Senator Katz, Representative Pierce and members of the Committee On Marijuana Legalization Implementation, my name is Tony Donovan. I am a resident of Portland Maine and a longtime advocate for ending the prohibition of marijuana. By longtime I mean over 4 decades. I believe that the historical reasons for prohibition had racial overtones, and it was driven in part by the textile industry seeking to maintain their economic status in the face of competition from industrial hemp.

But I won't dwell on past history today as much as the history of the past fifty years and the establishment of a costly government bureaucracy based on the criminalization of a consumer product that by 2017 is not considered either harmful or criminal by the vast majority of Americans. With the end of prohibition in Maine, we now have the task of establishing a new order and a shifting of the costs of fighting marijuana use, to one of using the revenues from production and sales in a manner that is safe, practical and effective.

I serve in a number of volunteer positions. Many of you may know me as an advocate for the expansion of passenger train transportation, as I have been in this building many times with many bills over the past couple of decades. This 128th session of the Legislature is no exception and in fact we have a series of bills that you will have to consider that lays out a clear plan for expanding investments in railroad transportation.

One of the bills, **An Act to Fund Rail Road Infrastructure and Operations**, seeks to direct a percentage of the funding of taxes received from the sale of recreational marijuana to the MeDOT Multit-Modal Fund for the [purpose of investing in railroad infrastructure and operations. This is not without precedent. In the 124th legislature a bill was passed directing a percentage of the proceeds from taxation of short term automobile rentals to the same multit-modal fund. The concept was a transportation related source funding transportation.

For your consideration, **An Act to Fund Rail Road Infrastructure and operations** is based on the same concept. Which brings me to an important consideration for this committee deliberations.



Marijuana is a crop that is grown and, like cigarettes, hops and grapes and barley, is consumed as an intoxicant. A mild intoxicant I would add. Marijuana is and should be treated as an agricultural product. Just as in North Carolina where cigarettes provide a good livelihood, and northern California and the finger lakes of New York, wine is an economic engine; marijuana is an agricultural product that should be overseen by the Department of Agriculture to make certain it is grown in a safe manner. Distribution, sales, manufacturing should be overseen by the agencies responsible for sales and income tax regulations. But Marijuana is an Agricultural product.

Even more important is the skill set that the farmers of these plants bring to the production. Maine has some of the most skilled professional farmers in the nation, growing all kinds of products from in-door tomatoes to fields of corn, blueberry's, corn and more. The farmers cultivating marijuana are professionals with a high level of agricultural engineering skills. If you have not had an opportunity to visit a cultivation facility, I suggest this committee include this in your understanding of the industry.

Maine has thousands of acres of good farmland and some of the best water resources in the world. Most of this is underutilized. Yet, mostly due to climate change, the growing season in Maine has expanded by almost 50 days since 1960's. Maine could be the breadbasket of the Northeast, including sales to markets in eastern Canada,

The highest cost of doing business as a farmer is transportation. We have reached out to the University of Maine for some statistics, but the numbers I've heard can be as high as 70% of total business expenses. Railroads, that currently exist in Maine rural counties of Androscoggin, Oxford, Waldo and other places can be used to help farmers transport product to market. These routes connect directly to national and Canadian markets. By improving railroads and investing in marketing Maine farms, we can grow a very important industry.

Back to rail. Improvements in railroad infrastructure for passenger train serve, increases the standards of the rail for freight, in most cases doubling the speed from 20 to 40 MPH. We want passenger rail service to both reduce the impacts of transportation on the environment and increase economic opportunity. Historically, railroads have been most successful when used for both passenger and freight.

In allocating the tax revenues from an agricultural product, that is used by a large number of consumers, many of whom would prefer not to drive, to support agriculture and passenger trains is a safe, practical and effective use of funds.

In short, please consider Marijuana as a valuable agricultural product and please support legislation directing taxes from sale of marijuana to support investment in railroads.



Testimonial of Patricia Rosi, CEO, Wellness Connection of Maine

Joint Standing Committee on Marijuana Legalization Implementation

February 28, 2017

Senator Katz, Representative Pierce, and members of the Marijuana Legalization Implementation Committee, my name is Patricia Rosi, and I am the CEO of Wellness Connection of Maine.

Established in 2011, Wellness Connection of Maine operates 4 of the 8 state-licensed medical marijuana dispensaries, with locations in Bath, Brewer, Gardiner and Portland as well as a state-of-the-art cultivation facility, an Iso8 cleanroom certified extraction laboratory and a licensed kitchen. Our 80 employees proudly serve over 10,000 patients on their journey to an improved quality of life. We view dispensing marijuana as a privilege that comes with higher responsibilities. We self-regulate and have already adopted systematic testing and tamper proof packaging as common practices. Wellness Connection of Maine and its fellow dispensary operators are aiming at making adult-use safe, regulated and compliant.

In the past year, the Maine Medical Use of Marijuana Program (MMUMP) has done little to regulate the sale of marijuana in the State of Maine except in regard to the 8 dispensaries. This has allowed an illegal market to thrive. Earlier this year, use, possession and transport of marijuana were legalized, and LD 88 imposed a licensing moratorium until February 2018. High demand was instantly created without matching supply. This is fueling a high velocity illegal market as well as confusion in the minds of Mainers: patients don't get recertified, medical providers don't think certification is needed anymore, available warehouse space is at a record low of 2%, even stores are opening on street corners like in Hallowell or Waldoboro, etc. and this is just the beginning...

This situation increases liability for any Maine legitimate marijuana business or its vendors as it sets them directly against the federal guidance of the Department of Justice Cole memo that calls for a regulated marijuana market as the condition for limited federal action:

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The Department’s guidance in this memorandum rests on its expectation that states and local governments that have enacted laws authorizing marijuana-related conduct will implement strong and effective regulatory and enforcement systems that will address the threat those state laws could pose to public safety, public health, and other law enforcement interests. A system adequate to that task must not only contain robust controls and procedures on paper; it must also be effective in practice. “

I urge this committee to take immediate action before the illegal market gets further out of control by passing strong, effective, and consistent regulation over both the adult use and medical programs. As an effective tool against the rise of the illegal market, please consider the early rollout of an interim marketplace, as soon as July 2017.

Oregon has proven that this tactic works, and it looks like Nevada will also adopt a similar program . To meet current demand, let’s leverage existing licensed operators to create a regulated supply and thus curtail the rampant illegal market. Allow caregivers to supply dispensaries and dispensaries to serve the adult use demand to start converting this marketplace into a regulated, tax generating program for Maine.

Maine was once a leading and visionary force behind the adoption of marijuana by our society, even recently in 2014 when Americans for Safe Access voted its medical program as the best in the nation. Let’s keep the momentum and harness the power of marijuana to bring a much needed economic stimulus to Maine – ahead of Massachusetts. It has already outpaced the potato industry and will rival the lobster industry by 2020. Let’s do this implementation “right” via forceful regulation and immediate action to signal to the administration that now is the time to act.

Thank you.

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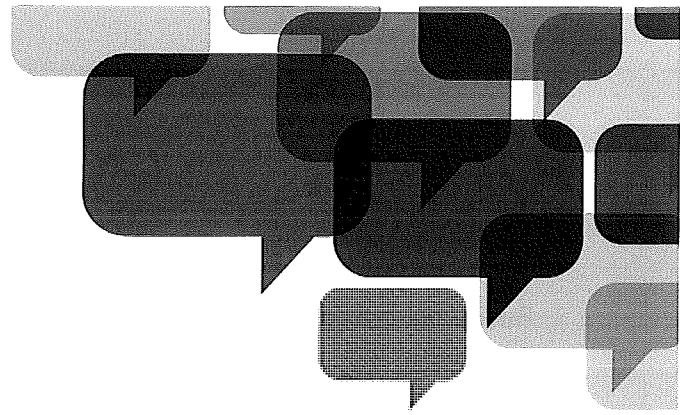
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February 28, 2017

Senator Roger Katz, Chair
Representative Teresa Pierce, Chair
Members of the Marijuana Legalization Implementation Committee

RE: Public Comment from Retail Association of Maine

Dear Senator Katz, Representative Pierce and members of the Marijuana Legalization Implementation Committee:

My name is Curtis Picard and I am the Executive Director of the Retail Association of Maine. I am a resident of Topsham. We have more than 350 members statewide and represent retailers of all sizes. Maine's retailers employ nearly 90,000 Mainers. We are here today to provide some comments to the committee as you tackle the task of successfully implementing the marijuana legalization referendum.

We have two major points for your consideration.

First, prior to the enactment of the referendum and continuing after the election, our members main concern with the law is how to navigate the issue of impairment in the workplace when recreational marijuana is involved. Without question, businesses of all types, not just retailers, take safety enormously seriously. Keeping well-trained employees safe and a productive part of the workforce is critical to business success, but there is also an economic benefit to lowered workers' compensation costs from both insurance and claims. However, workplace accidents do happen and sometimes the cause is some form of impairment. As you know, the big challenge is how to accurately measure impairment if marijuana or its derivatives are involved. While it is easy to measure blood alcohol or even the impairment of other opioids, science has not yet caught up to provide a reliable measure of impairment when it involves marijuana. Maine is not unique in trying to navigate this, but we thought it was important to publicly reiterate it.

Related to that issue was the concern from our member to section of the legislation that referred to Employment Policies. Section 2454 of the referendum language, section 3 states, "A school, employer or landlord may not refuse to enroll or employ or lease to or otherwise penalize a person 21 years of age or older solely for that person's consuming marijuana outside of the school's, employer's or landlord's

property.” Our concern is that it would expose employers to potential lawsuits for choosing not to hire a particular applicant.

Finally, the marijuana law authorizes retail stores to be opened with specific parameters. As the state retail association since the 1930’s, one of our strengths as a trade association for retailers is to provide our members with sound business practices. In fact, we count both the Wellness Connection of Maine and Remedy as members of our association and they have been excellent in sharing their business practice skills because they want to be an active part of Maine’s business community. In fact, we think the committee should take a close look at how the existing dispensaries will be able to easily transfer to full retail operations. Given their structure and experience, they can be the model for how marijuana retail operations can operate successfully. Additionally, the committee could consider some sort of retail certification for marijuana retailer shops not unlike the Serv-Safe program for restaurants and food service establishments. The Retail Association of Maine would be happy to work with the committee to draft up language to establish a training program for this industry.

Thank you for the opportunity to present our thoughts.

Sincerely,

Curtis Picard, CAE
Executive Director

February 28, 2017

Thank you Senator Katz and Representative Pierce and esteemed committee members. My name is Heather Sullivan, I am a proud resident of District 16 and Representative Mearns's hometown of Hollis. My parents settled in Representative Corey's district when I was 7 years old. I've been, educated in Maine's schools, employed by Maine businesses, and I am raising a son who loves Maine just as much as I do. We are partial to Sebago Lake, where three generations of family have run a small summer cottage rental business for 50 years. Like you, I also have the honor of holding an elected office - I'm currently serving my second term as the treasurer of the Hollis Elementary PTA. Of course, I'm here today as a private citizen.

Thank you for taking on this daunting task, and for your commitment to getting this right. I ask you to explore opportunities for adult use consumers to buy legal, tested labeled cannabis from reliable dispensaries before the legislature adjourns this June. This will immediately reduce illegal marijuana sales, and begins generating tax revenue to support the departments that will ultimately regulate the adult use industry. In addition, Compliant caregivers already work in tandem with regulators to cultivate and produce safe, high quality local cannabis products that could be sold in approved dispensaries.

Like many parents, my son and I share details of our day when driving home after school, sports practice, or a community meeting. Our topics of conversation vary, along with the intensity of the discussion, and sometimes we talk about marijuana. Most often I throw in a gentle reminder of which products are for responsible adults to choose (like beer, or cigarettes, or cannabis). We talk a bit about politics, especially after I filmed a snippet of an annoying, but effective campaign ad last November. We also talk about some of the changes in our lives after I left a 13 year corporate compliance job and returned to college last year. What I haven't shared with him, but he may suspect, is what I'd like to share with you today. Instead of returning to a traditional corporate employer with a newly minted MBA, my career goal is to find meaningful work implementing the laws that you will consider on this committee. I'm a regulatory compliance geek - so I see the your work as a once in a lifetime opportunity to build an effective, efficient and fair framework for regulating an emerging industry that will contribute to Maine's economy and communities. I'm looking forward to following your work, I'll likely be taking a lot of notes during your sessions, and thank you again.

Heather Sullivan
Hollis Center, Maine

Good afternoon Senator Katz, Representative Pierce and honorable members of the marijuana joint committee.

My name is Mark Orion Luce , I am 65 and I am a licensed Medical Marijuana Caregiver.

Recently there has been talk of the need for the medical marijuana program since the legalization of recreational marijuana. That I believe is very short sighted thinking. As of a few days ago the Feds have announced that they may enforce existing marijuana laws which could also impact those states that have legalized recreational marijuana. They also claimed they were not going after medical marijuana programs in states that have legalized it.

If you do away with the medical program the 50,000+ patients in Maine that rely on medical marijuana may have to travel great distances to get their medicine because some communities have decided to ban recreational marijuana business's....That I believe is reason enough to keep the program and caregivers in place...The program that was here first, the #1 rated Medical Marijuana Program in the country, the program that serves the patients should come first!

Caregivers offer tailored affordable medical marijuana to best suit their patients needs.

So I ask you ,please leave the medical program alone..... If anything help strengthen it!!

All Recreational Marijuana Programs hang by a thread as long as it is Federally illegal!

I will close with this...as you write the rules and regulations it is of utmost importance that only Maine citizens have access to those limited grow licenses.

Good afternoon Senator Katz, Representative Pierce and the members of the committee. My name is Scott Ouellette from Dayton. I come here today to share with you some of my story, so you can understand why Maine's Medical Marijuana Program is important to me and so many others. I have been a patient for four years. Before I was a patient I had been on pharmaceutical narcotics since the age of seven, my life had been crazy ups and downs. As a patient I was referred to the dispensary. For me as a patient this is not about smoking joints (although they have their place). I was looking for a different medicine to replace the many psychotropic medications. I could not find what I needed at the dispensary. This program has given me the rights to grow and make my own medicine with specific medical strains that work best for me. Concentrates was what I needed and it needed to be affordable. I really saw the need for safe solvents for making these concentrates. I needed FECO aka R.S.O, this is what my research with my physician had led me to as far as my needs. I pulled myself off of all these pills. The FECO really helped aid this journey to wellness. As I went along I noticed how many folks really needed this medicine and it was not available at the Dispensary. So I became a caregiver to be able to offer others this amazing medicine. This medicine has cured cancer, stopped seizures, and helped people with their symptoms from Multiple Sclerosis, depression, anxiety, opiate replacement and several other serious health conditions. Many of these patients cannot afford the cost of this at the current dispensary miligram pricing for other products ,and I fear grouping medical program and adult recreational use will have a strong negative effect on a large portion of patients in this state including myself. I would strongly urge you to keep medical and adult recreational completely separate. Thanks for your time.

Scott Ouellette

(207)286-5134

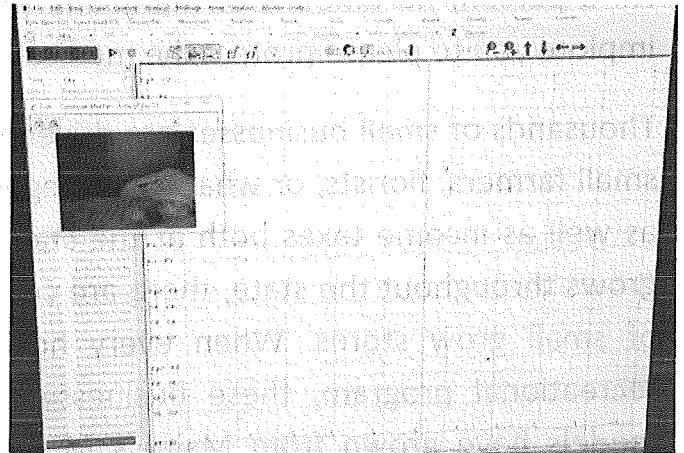
scottyouellette@gmail.com

I have included my contact information if any of you have any questions. Thank you for the privilege



Please Protect Maine's Medical Marijuana Program

Good morning honorable legislators, committee members, and fellow citizens. My name is Susan Meehan, and I live here in Augusta with my family. In 2013, I moved to Maine to access the Medical Marijuana program to treat my daughter's devastating seizure disorder known as Dravet Syndrome. Maine gave Cyndimae two and a half amazing years. Since "Question 1" passed, many scenarios of implementation have played out in the news, in these halls and on social media. While I am not opposed to legalization, my primary concern is preservation of Maine's premier medical marijuana program supported by the many caregivers, dispensaries, knowledgeable doctors, and patients. When we moved to Maine in 2013, we knew marijuana would help Cyndimae. The impact of marijuana on Cyndimae was profound. We moved here with a child who was so weak, she was wheelchair bound most of the time. She could hardly eat enough to sustain life, she was drugged on 4 antiepileptic drugs and still having 1 to 4 generalized tonic clonic seizures and thousands of myoclonic jerk seizures a day; she suffered 5 cardiac arrests from seizure rescue medications; and she was the shell of the vibrant child she once was. In January 2016, Cyndimae's baseline EEG was normal for the first time ever. She finally slept without countless underlying seizure spikes. Marijuana gave us two and half years to reconnect with Cyndimae, for her to live, love, laugh and play again, to enjoy eating again, to sleep a normal night without countless seizures. This EEG is verifiable, legitimate medical evidence as to how marijuana helped control Cyndimae's seizures. Cyndimae returned to school in Augusta thanks to this legislature's veto override in 2015.



In January 2016, Dravet Syndrome morphed into a new seizure type for Cyndimae. Nothing was stopping it. Not her regular THC Rescue that stopped all her other seizures, not her daily THCA medicine derived from Maine's Mob Boss, not the ACDC CBD. After 30 miserable days in the hospital in nearly constant seizures, still seizing, Cyndimae was sent home to trial the many lab tested marijuana medicines made here in Maine by Maine's caregivers who wanted to help my daughter. Tufts toxicology tested all of Cyndimae's medicines for everything. Her medicines from Maine's Caregivers tested clean with no residual solvents, no heavy metals, no pesticides, no molds, no fungus. What modern medicine could not stop, a caregiver's strain then known as NMLC stopped Cyndimae's new seizures. She had lost so much ground in the

Please Protect Maine's Medical Marijuana Program

hospital, trialing so many harsh pharmaceutical options. These brought back many of the seizures marijuana had eliminated, she lost a lot of weight, and she was tired. This strain is one of Maine's caregivers specialty strains grown mostly for children, now known as Mae's Cannatonic. Mae's Cannatonic stopped the new seizures with less than 1mg a day of an orally dosed oil. If Cyndimae missed a dose, the seizures returned. Cyndimae did not die from a seizure, but from a SIDS like syndrome known as Sudden Unexplained Death in Epilepsy, while she peacefully slept on her daddy's chest. After a 30 day hospital stay, she was exhausted. Special strains like Mae's Cannatonic and ACDC are put at risk by eliminating or capping caregivers, merging recreational and medical programs, or eliminating the medical program.

Prohibition is immoral and contrary to nature, but any threat to the medical program is a direct threat to people's lives. Marijuana never belongs in the same class as alcohol, opioids, heroin, cocaine or meth that continue to kill our citizens. Marijuana can even be used as an "exit" drug from these highly addictive, deadly options. Marijuana allowed Cyndimae to discontinue highly addictive barbituates and benzodiazapenes. While 567mg/kg of alcohol can kill a person, no amount of marijuana (tested to 10,000mg/kg in mice) can kill a person. I implore you to please protect the medical program separately from the recreational program.

Thousands of small businesses are driven by Maine's over 4000 caregivers who PAY TAXES as small farmers, florists, or whatever category they must, but they PAY Maine state sales taxes, as well as income taxes both at the state level and the federal level. Due to the over 4000 grows throughout the state, there are complimentary small businesses, such as the hundreds of small grow stores. When every household is allowed to grow their own under the recreational program, these businesses will continue to flourish. Several other business models have grown from Maine's Medical Marijuana Program, such as the one I helped establish and continue to help operate, our educational foundation, Maine Children for Cannabis Therapy. In the perfect world, I say, legalize, de-schedule, deregulate, and get out of the way of personal freedoms and medical choices that should be personal choices between doctors and patients. No one should ever be denied this plant or jailed for this plant. Maine must protect the most fragile of citizens and maintain the Medical Marijuana Program intact with Caregivers, Dispensaries and patients, separately from the Recreational Program. Thank you for your time and consideration. Please feel free to contact me with any questions, requests for medical records, or insight in regard to this matter. Thank you for your service to the citizens of Maine.

Susan W Meehan, Mother of Cyndimae Meehan, aka Golden Sun Feather
164 Ward Road, Augusta, Maine 04330, 207-861-1945, goldenwolf143@aol.com

Hello,

My name is Jason Smith. I have been a Maine medical marijuana caregiver since 2012. I currently work with twelve Maine caregivers from Scarborough to Augusta serving over fifty medical patients. I sat down with the caregivers and we discussed their concerns and suggestions as we transfer from medical to recreational sale of marijuana.

The caregivers I spoke with have great concern about how recreational license will be granted. To ensure all current Maine medical caregivers have equal opportunity to acquire a license here are some of their ideas. These are the people who have taken great risk and have had very limited opportunity to expand as a business with the current medical marijuana laws.

Growing/Production requirements -

- Number of years the applicant has been a registered caregiver.
- Number of patients the applicant has had over the past five years.
- Number of years the applicant has paid Maine sales and income tax on medical marijuana sales.
- Applicant MUST be a Maine resident.
- Has the applicant grown in a commercial setting.
- Does the applicant have a registered employee and for how many years.

Retail/Selling requirements -

- Follow growing requirements
- How much business background does the applicant have.
- One retail license per person.

Social Club requirements -

- Follow growing and selling requirements.

Taxing-

- 15 percent total sales tax on marijuana.
- 10 percent to the state of Maine on marijuana sales.
- 3 percent sales tax to the city or town allowing the sale of recreational marijuana. (from each recreational retail store in that city or town).
- 2 percent sales tax goes to a Maine marijuana research group to

better understand the benefits of marijuana.

Restrictions-

- All Maine residents that qualify for growing, retail, and social club licensing get priority before any non resident licenses are issued.
- Restrict the total amount of square foot growing canopy to meet the amount of expected marijuana sales.
- Any person abusing the current medical marijuana program automatically be disqualified for any retail opportunity (not paying Maine sales/ income tax and the illegal retail stores that have started up in Lewiston and Hollowell).
- If an applicant qualifies for all three licenses they have the opportunity to get all three.

Safety-

- Review Colorado, Oregon, and Washington's recreational laws to get ideas on whats worked and what has not.
- Tamper proof packaging.
- Proper testing for molds, pesticides, and contaminants.
- Proper testing for potency.
- Labeling identifying it is a marijuana product, potency level, and ml per dose.

Here are a few ideas and concerns the local caregivers I spoke with have. Please keep in mind these caregivers have followed all state laws and taken great risks from federal prosecution to leaving there jobs, businesses and careers to pursue this great opportunity, unfortunately the current medical marijuana laws have restricted them greatly. They see the recreational opportunities and would like to have the same recreational opportunity as they have had with the medical, and more of an opportunity then a large business with a lot of money.

If you have any questions or would like any feed back in anyway please feel free to contact Jason Smith at 207-522-0209 or growingmaine@gmail.com

Thank you for your time
Jason Smith

Lynne Williams, Esq.

13 Albert Meadow, Bar Harbor, Maine 04609

(207)266-6327 LWilliamsLaw@earthlink.net

Maine Bar No. 9267

To: Members, Maine Select Committee on Marijuana Legalization

Date: February 28, 2017

I am the General Counsel of Legalize Maine and was one of the individuals that drafted Measure One. I personally worked with the Revisor's office on the language and both the Revisor and the Attorney General's office signed off on the language prior to submission to the Secretary of State. However, my comments today are my own.

Since there is no specific bill being considered at this time, I would like to present an overview of my intent in working on drafting and passing Measure One. My own intent was always to establish a regulatory framework whereby Maine individuals and small businesses could access and participate in the new economic sector that legalized recreational cannabis offers. I am very familiar with the regulatory framework in Colorado, somewhat familiar with those of Oregon and Washington State, as well as that of Alaska. My goals for the Maine commercial cannabis economic sector were always as follows:

- Make initial entry into the commercial cannabis market (application fees) affordable to individuals and small businesses;
- Make ongoing costs (annual license fees) likewise affordable to the same folks;
- Limit entry into the market place of large commercial growers, most likely from out of state, by limiting the maximum size of commercial grows, which Measure One capped at 30,000 square feet;
- Mandate a significant proportion of cultivation space for small grows of 3,000 square feet or less, which Measure One set at 320,000 square feet or 40% of the total statewide cap of \$800,000;
- Give licensing preference to those who have been Maine caregivers for at least two years at the time the applications are made available;
- Require that all principle licensees be Maine residents;
- Protect the health and safety of all Mainers, particularly minors, by mandating protective packaging and labeling requirements. I have done training workshops on such requirements and am working with my clients on implementing such labeling and packaging requirements for the products they are producing for medical marijuana patients, even in advance of the onset of the recreational cannabis industry.

I represent clients from throughout the state and I have been privy to their visions of how they see their participation in the cannabis economic sector evolving. Let's discuss the issue of social clubs as a start. Far from being "pot bars," social clubs comprise an array of ideas – all of whom I have discussed with clients – including spas that utilize cannabis based body products, a Maine schooner that

does “Cannabis Sunset Cruises,” and a high end supper club offering a meal that involves cannabis infused menu items. I recognize the concerns with impaired driving and I have already spoken with a number of hoteliers in tourist towns who intend to offer guests transportation to such facilities in their towns.

Other clients and potential clients who have contacted me include laid off mill-workers, unemployed veterans and those with disabilities who are guardedly optimistic about there being a place for them in this new economic sector. Please keep them in mind as you develop the regulation for commercial cannabis businesses as they are folks who are often unable to find a place in Maine current's economic system. I was recently contacted by a potential cannabis food processing company who is interested in hiring workers with cognitive disabilities at a packaging plant, as well as from a potential cultivator who would like to hire veterans to do deliveries and security.

Let me offer my thoughts on the three-tier distribution system used in alcohol distribution in the state. Since it seems that BABLO will ultimately be the lead regulatory agency in the cannabis sector, I urge this Select Committee to look very seriously at making such distribution voluntary, as opposed to mandatory. Inserting a wholesaler into the distribution system only adds more costs to the retailer, and lowers the income to the producer. While there are those cultivators and food and product processors who will choose to utilize a wholesaler to get their products on the shelves, there are many who will choose to negotiate directly with retailers and who are very capable of doing so.

As a final comment, I would ask that you be very clear about what regulatory authority over recreational cannabis is retained by the state and what regulatory authority is given to the municipalities. The Maine Medical Use of Marijuana Act is lacking in clarity and has resulted in litigation regarding the regulatory authority, if any, of municipalities. One series of issues that will need to be made very clear is whether a municipality is permitted to regulate any, or all, of the license categories and what type of regulation is permissible - zoning, business regulation or both. I have attached one of my articles that was published by Zoning Practice, the newsletter of the American Planning Association, dealing with such questions. If the State is clear on these issues it will save a lot of confusion and potential litigation in the long term.

Thank you for listening to my thoughts and I look forward to testifying in more detail at further public hearings.

/s/Lynne Williams

To whom it may concern,

My name is Dennis Hammac, I am a medical marijuana caregiver, patient, and also I am a grateful recovering addict. I relocated to Maine almost 4 years ago due to some physical ailments that only cannabis could heal, so I could be around to raise my now 6 year old son. The reason that I am raising him by myself, is that his mother became addicted to opiate based pain pills, and being a recovering addict, I refused to be in a relationship with someone in active addiction. So after winning full custody of my son I moved here.

Then about 2 and a half years ago, I realized that cannabis concentrates, like RSO, and dabs were very powerful so I had an idea, why don't I try to see if I could use these concentrates to get a friend off methadone. She agreed to let me help her. Long story short, it worked. She is now able to be a mother to her 3 children, and she has held down a full time job. That, and the number of overdose deaths made me realize I had to step up and do something. So we opened America's first cannabis based detox and recovery center here in northern Maine. Guess what? It is working.

We have been taking in addicts from across the state with numerous types of addictions. Some are heroin addicts, some are addicted to methadone, suboxone, xanax and of course the pain pills that 85% of the people I talked with started their addiction at their doctors office. It's sad to see what we as a country have created; a pill for this, a pill for that, but we can make a change for the better.

We already have the number one medical marijuana program in the country, why mess with something that is not broken? My grandpa used to say, if it's not broke don't break it. We need to keep our medical program, and the rec program TOTALLY SEPARATE.

After hearing president Trumps press secretary state that they plan on coming in and enforcing federal law on recreational sales, but they will leave medical alone; we don't want any part of their get rich quick scheme.

We have an epidemic of great proportion on our hands, and I think that we need to do all we can to fight for the lives of the men and women that this opioid epidemic has affected; and that is every one of us.

I understand that a cash strapped state like Maine could use the income generated from recreational marijuana, but not at the cost of the people of Maine that are going to be hurt if they start messing with our medical program. If anything, we need to expand our list of qualifying conditions and add addiction as one of them.

The majority of people today can attest to the fact that cannabis is safe. Safer than alcohol, pills, or any pharmaceutical out there, with ZERO FATALITIES EVER.

Our state motto is Dirigo, which means We Lead, Or We Direct. We need to show the rest of America that we can lead in something other than, parents that are incarcerated, and or babies being born addicted to state funded methadone.

We need to lead the country by being the first state to beat addiction using cannabis.

Do you know how much money the methadone and suboxone clinics cost us taxpayers last year? Way more than it should have considering the number of people that actually recovered using these clinics which were originally meant for tapering and eventual recovery. There is 10,000 pills and they can't cure one disease, but we have a plant that cures 10,000 diseases but people are more worried about lining there pockets then helping each other heal.

Most of the medical marijuana community is together on this. That's why we do what we do, hence the name caregiver.

If you have any questions to what we do at Genesis Farms, please feel free to contact me directly at the number below, and please take a few minutes out of your day to watch attached DVD.

Genesis Farms 207 279 9612

Sincerely Dennis Hammac

Submitted by: Thomas Falby Ocean Park thomasbfalby@gmail.com 207 730 8333

As currently written, the adult use law favors large grow operations and will pose a significant health threat to the public. Section 2447 subsection 6 allots 800,000 square feet of canopy space unless more is deemed necessary.

The potential exists for only 106 licenses to be granted for grows in the 3,000 square foot range and 16 for grows in the range larger than 3,000 square feet leaving only large operations in an oligopoly.

In the history of Maine's medical cannabis program The Wellness Connection Dispensary had 9 pesticide violations in 2013. They recalled two strains for contamination in 2015. Another story concerning pests in Maine is Backyard Farms' whitefly infestation in their 42 acre greenhouse. Large grow operations are more susceptible to pests and are more likely to use pesticides and fungicides.

February 7th of this year two large grow operations in Canada recalled their medical product because of pesticide contamination.

A 2013 study published in The Journal of Toxicology found that chemical residues present on cannabis will directly transfer into the mainstream smoke and ultimately the end user at rates as high as 69%.¹

Colorado, California, Washington are all dealing with widespread pesticide problems from large operations in both the medical and recreational programs.

Maine's limited number of dispensaries and their large grows has allowed caregivers to be a major factor in supplying patients with their medicine in the medical program. Caregivers can only flower 30 plants at one time if they obtain 5 caregiver cards, 36 if that caregiver is also a patient.

With so few plants less space is needed. It is easier to control the growing environment and monitor for pests and fungus. If they are found it is easier and less costly to implement things like beneficial biologicals or clean the space from top to bottom, thus making it more likely a caregiver would do so. This small scale wide spread system of operation has been supplying patients throughout Maine with high quality clean cannabis since the caregiver program began.

This simple and effective guard against pesticide and fungicide application in the current medical cannabis program is put in jeopardy in the proposed adult use model. It is exceedingly difficult to monitor for and control pests and fungus as the size of the grow operation increases.

It is more difficult and costly to monitor and enforce a mandatory testing program. This is why an organization like MOFGA only randomly tests 5 percent of farms in its program.

¹Journal of Toxicology
Volume 2013 (2013), Article ID 378168, 6 pages.

I urge members of the committee to carefully consider the positive effect that plant count limit has on the safety and welfare of all patients who benefit from the medical cannabis program. This is a fundamental difference between the medical and proposed adult use programs. Protect the safety and welfare of those in the medical program by keeping it intact.

Furthermore consider your options to protect those over the age of 21: Increase the number of licensed small grows, decrease the number of large grows, and increase the canopy space.

Feb 28, 2017

Senator Katz, Representative Pierce, and Members of the Committee on Marijuana Legalization Implementation,

My name is Hillary Lister and I live in Augusta. I have been regularly attending legislative meetings about the state's marijuana laws since 2010. At the time I was a caregiver for a family member who had been diagnosed with cancer, preparing their medical cannabis into a topical salve.

I collected signatures for the 2009 Citizen's Initiative to amend Maine's medical marijuana laws, and was able to participate in the process of implementing and amending that initiative. I appreciate how seriously this committee is studying the issues and taking the time necessary to ensure these major changes aren't rushed.

This past year I became involved with organizing an educational campaign to oppose Question 1, due to concerns about the large scale changes being proposed in the 30+ page referendum that bring new risks to patients and their caregivers, if the Marijuana Legalization Act is implemented as written.

I appreciate the careful work being done by this committee so that Maine can hopefully avoid facing problems that have resulted from rushed implementation of large-scale recreational licensing in Washington, Colorado, and Oregon, creating new costs to both taxpayers and to patients who depend on cannabis as medicine.

I will outline three sections that I hope this Committee will address in the coming months:

1. Recreational Cultivation Licensing Model
2. Media restrictions,
3. Impact on Patients.

Large-scale Canopy based Recreational Cultivation Licensing Model - Costs and Impacts.

Section 2447, part 6 of the Marijuana Legalization Act, creates a limited licensing system for awarding cultivation licenses. The amount of space approved for marijuana cultivation at retail marijuana cultivation facilities is set at 800,000 square feet of plant canopy for the entire state of Maine.

The blocks of canopy space proposed for recreational cultivation licenses are many times the scale of what is currently permitted for medical production. Instead of many small registered growers producing several dozens of plants at the time you would have a few dozen big growers producing many thousands of plants at a time.

In order for the canopy-cap based licensing system to be implemented effectively, the state licensing authority must determine how much canopy is needed to provide the total amount of marijuana that would be legally purchased by customers in Maine.

Under the Marijuana Legalization Act, the canopy limit and tracking would only initially only apply to recreational producers. However, in Washington, the only state to implement this large-scale canopy-cap model of limited licensing, tracking became a requirement for both recreational and medical producers in order to determine exactly how much cannabis was being produced, down to the gram, in order to ensure tax compliance and calculate how much canopy space should be licensed in order to prevent overproduction. Once Washington regulators gathered and analyzed tracking data, they determined that the limited recreational canopy space was more than enough to provide for both recreational AND medical cannabis consumers. This has resulted in hundreds of previously legal small-scale medical cannabis growers being required to shut down. Patients ability to cultivated for personal use became severely restricted and costly with new tracking requirements, designed for large-scale commercial cultivators.

Washington state is spending millions to implement this model of tracking and enforcement based on limiting cultivation license issuance based on canopy square footage.

Currently Maine's medical marijuana laws are based on plant count instead of square footage. It could provide more clarity to growers, regulators and law enforcement if there were consistent expectations for how to determine whether a person is in compliance with laws and regulations.

Limiting the scale of licensed cultivation businesses instead of limiting the total amount of licenses for legal cultivation, could allow for more chances for local people to benefit and local businesses to provide revenue to our communities, without increasing costs to regulators.

Speaking on revenue from recreational marijuana businesses and the costs of regulation, Harvard economics professor Jeffrey Miron, told Politico in 2013, "This is not a cash cow that can solve anyone's fiscal problems. [...] There is a lot of exaggeration about how big the revenue can be."

Washington state agency costs are estimated to be \$62,972,000 to cover development and implementation of new regulations, tracking, testing, tax enforcement, legal services, public safety OUI enforcement, court costs, and licensing award process costs of implementing this large scale model of highly tracked, centralized marijuana regulation, where both medical and recreational cultivation is regulated like liquor.

With a limited-licensing model, there is a risk of developing a pay-to-play situation where rent-seeking behavior is rewarded with a high-value recreational marijuana cultivation license.

Rent-Seeking has been defined as,

The expenditure of resources in order to bring about an uncompensated transfer of goods or services from another person or persons to one's self as the result of a "favorable" decision on some public policy. Examples of rent-seeking behavior would include all of the various ways by which individuals or groups lobby government for taxing, spending and regulatory policies that confer financial benefits or other special advantages upon them at the expense of the taxpayers or of consumers or of other groups or individuals with which the beneficiaries may be in economic competition.

In order to avoid the pitfalls faced in Washington resulting from limited licensing designed for big business, it may be beneficial to look at ways to prevent these problems by allowing smaller regulated businesses that don't lead to rapid overproduction.

Currently Maine prevents overproduction by limiting the amount of plants that is allowed per person. Moving to a limited licensing model based on square-footage and designed for industrial scale agri-business production will carry more costs and needs for different scale of regulation.

It is important that regulations appropriate to the small scale production for medical use by a patient are distinct from regulations needed for large scale and retail recreational operations.

Media Restriction

One small but mostly overlooked section of the Marijuana Legalization Act, which has been a personal concern as someone working in a bookstore and publishing articles in publications primarily focused on issues relating to marijuana, is Section 2448, part 3 of the Marijuana Legalization Act.

This section contains a provision stating,

"A magazine whose primary focus is marijuana or marijuana businesses may be sold only in a retail marijuana store or behind the counter in an establishment where persons under 21 years of age are present."

Colorado is the only other state to pass a recreational use law with this media restriction treating cannabis like porn. Attempts to enforce the provision resulted in court challenges and costs to the state.

In 2013, a group of Colorado booksellers filed a civil action, challenging the constitutionality of the state's new penalties that could be imposed on people who operate bookstores and newsstands that distribute magazines "whose primary focus is marijuana or marijuana businesses" if they didn't keep the publications behind the counter and inaccessible to people under 21.

This summer the Colorado legislature finally passed a law removing the unconstitutional provision.

If Maine's Act is implemented unchanged, this unnecessary and unconstitutional provision would become part of Maine's law creating similar changes to those faced in Colorado.

Impact on Patients

Our Medical Marijuana Program has been recognized as best in the country for patient access to safe affordable medicine, with other state's looking to Maine as a model. There are already reasonable regulations and standards in place, which with minor improvements could continue to be a model for laws that work and can be standards based at less cost and more benefit to the people of Maine.

The recreational laws and regulations are designed for large-scale businesses, not the small-scale growers who need affordably to produce a specific medicine for a specific medical condition, especially since many varieties of cannabis that are most helpful for these conditions (AC/DC, other finicky/low volume producers) are least profitable to cultivate for the recreational market.

According to one parent of a child in Colorado who depends on CBD and THCA oils, the only strain she can reliably find now in Colorado is high-cost Charlotte's Web, which does not work for her child's condition.

In order to cover new costs, most businesses are scaling up operations, joining with other cultivators and processors, and producing on an industrial scale.

This centralization is leading to less variety and lower quality, with increased scale is coming reduced ability for producers to know the quality of plants and product throughout the process.

In Colorado this has resulted in the only legal infused product manufacturer that sells RSO recalling thousands of tubes of the oil due to it testing positive for high-levels of pesticides and other contaminants. The oil is made from cannabis grown by many licensed producers, and the company was unable to determine which one was the source of the contaminated cannabis. As a result of the recall, hundreds of patients had to go without a necessary medicine, and did not have other options to replace something that is needed consistently.

In 2011 The first year Caregiver registrations were issued there were just over 200 registered caregivers. That increased to 575 in 2012, and 1,197 individual caregivers in 2013. In 2014 that there were 2,161 individual caregivers. In 2015 there were 2,921 caregivers registered with the Department.

Those caregivers were registered to cultivate for anywhere from one to five patients, at a cost of \$240 per year per patient currently. As of December 2016 the Department reported just over 50,000 people with a medical recommendation for use of cannabis, with just over 10,000 of those patients designating a caregiver to cultivate cannabis for their medical use, and the rest either cultivating for personal use or designating a dispensary. In 2011 The first year Caregiver registrations were issued there were just over 200 registered caregivers. That increased to 575 in 2012, and 1,197 individual caregivers in 2013. In 2014 that there were 2,161 individual caregivers. In 2015 there were 2,921 caregivers registered with the Department. In December 2016 the Department reported 3,244 registered caregivers.

Each caregiver is registered to cultivate and provide medical cannabis for anywhere from one to five patients, with registration currently costing \$240 per year per patient. As of December 2016 the Department reported just over 50,000 people with a medical recommendation for use of cannabis. Just over 10,000 patients designated a caregiver to cultivate cannabis for their medical use in the past year, with the rest either cultivating for personal use or designating a dispensary.

Maine's laws have been improved by the year, providing more affordable and consistent access, and taking steps to implement safety measures like lab testing.

In August 2014 the Legislature passed LD 1739, "An Act To Amend the Maine Medical Use of Marijuana Act," authorizing the DHHS to take action necessary to ensure compliance, including, collecting, possessing, transporting and performing laboratory testing on soil and plant samples and samples of products containing marijuana from registered caregivers to determine compliance with medical marijuana laws and rules.

Last year the Maine legislature passed LD 726, "An Act To Increase Patient Safety in Maine's Medical Marijuana Program." This bill created clear standards for lab testing of cannabis for medical use, with rulemaking under development to set standards for licensing testing labs. The bill requires any Caregiver or Dispensary selling cannabis labeled with information about potency, cannabinoid content, or contaminants to have that information verified by an independent licensed testing lab, with a directive for the Department to develop labeling standards for lab testing and labeling.

In addition to looking at what's happening in states implementing this large-scale model of recreational licensing, we should look at what's been working in Maine for the past decades to regulate cannabis as medicine. Hopefully implementation of recreational licensing can be done in a way that is compatible with work is already under way to improve our medical marijuana laws.

Medical marijuana dispensaries as well and licensed, tax-paying medical marijuana caregivers should have equal opportunities to qualify for licenses for cultivation. If an exception is arbitrarily made for one or two businesses before clear licensing standards are in place, the state will face new costs and result in many more years work to fix a problem that could have been prevented.

Maine has laws that are working and are being improved by the year to both protect patient access as well as provide a regulatory framework to provide needed oversight.

There is time to avoid making mistakes that negatively impacted patients and small businesses in other states adopting a scale-up recreational use licensing and regulatory model.

It will be important that there are clear standards in place before any recreational sale licenses are issued, and that regulation is done in a way that maintains protections for people who depend on having safe access to this herbal medicine.

Thank you for your time. I would be happy to provide sources of any specific numbers referenced in this testimony or additional information.

Sincerely,
Hillary Lister

Maine Matters
Research, Consulting and Advocacy
(207) 314-4692
hillarylister@mainematters.net



KOKUA ORGANICS

Greetings Legislative Committee,

My name is Ashley Link and I own a small caregiving business in beautiful Western Maine called Kokua Organics LLC. Thank you all so much for holding this hearing and allowing Maine voices to be heard.

I am a small business owner of two successful business ventures. One of those being my care giving business, the other event management and production.

The really great thing about the existing medical program is that it represents what many consider to be the spirit of Maine.Cottage industry. Small-scale cottage industries are a great source of employment, especially in rural areas, and cottage industry is distinctive in that products are not mass produced but handmade.

This medical program model spreads the economic benefit out to many of Maine's communities. The quality of product is typically higher because it is made in smaller batches. I think we should follow this model for the new adult use industry

I am concerned that the medical program will get shut down and children who benefit greatly from cannabis therapy will not have access to safe medicine. And that caregivers that don't receive licenses may not be able to compete with the new adult use market and may go out of business.

I would love to believe that a young driven woman like myself could have a professional place in this new up and coming industry.

I am deeply concerned that there are 3700 caregiver / Established Maine business owners in the state that are going to get shut out of the opportunity of receiving a commercial cultivation license. 1.

It seems incredibly unfair that 60% of the licenses are going toward big money larger square footage operations.

If the maximum canopy in the referendum is awardedthis only leaves 122 attainable smaller licenses for 3700 existing caregivers/ established Maine business owners

Why are we focused on awarding 60% of the total square footage allowance towards larger licenses. These are corporations already established in the industry out west, and big money out of state investors.

Let's be clear. The larger licenses will be financially unattainable for most caregivers who have helped establish this industry in Maine.

In my estimates equipment for a 3,000 sq foot license will be roughly \$150,000 dollars. That means it will cost 1.5 million dollars in equipment costs alone for one of the larger 30,000 sq foot licenses. These are big money players and I don't think they care if this money stays in Maine. And I would like to see more smaller growers have access to the new industry.

I am asking that you please dissolve, or at least partially dissolve the larger licenses to create more smaller license opportunity for Mainers, and avoid a monopoly type situation that favors big business. All the manufacturers will be dependant on the by-product from the cultivators to make their products too, and it just doesn't seem to be fair distribution.

I understand that it is easier and more cost effective for the state to manage fewer cultivation facilities.

I would urge you to consider allowing the industry to create a separate self regulating body that could work with the legislature.

This would help keep cost associated with regulation down and allow for more licenses to be distributed to small business owners across the state.

States like Colorado show the economic potential in this industry is huge and it would be really wonderful if we can keep it here in the hands of Mainers.

Thank You for listening.

Ashley Link
Kokua Organics LLC



KOKUA ORGANICS

Claire Stretch: Caregiver/Owner, All Kind LLC, Edible Manufacturing Business

- ✓ Small business owner in Maine.
- ✓ Runs a successful Cannabis business specializing in accurately dosed medicated chocolate.
- ✓ Long Term Experience in Maine's Food Industry and encourages sensible safety standards.
- ✓ Would like to continue operating current, established business in licensed commercial kitchen and expand into the Adult Use market.
- ✓ Would like to create a fully integrated system to make my best and most specific product possible.
- ✓ Would like to develop a level of certainty in this law making process so that I may make investments and create jobs in my community.
- ✓ Most often, the highest quality products are made from small producers. Maine has artisan cheese makers, boat builders and craft cannabis producers. Maine Caregivers, including myself, produce particularly high quality products and should continue and be encouraged to do so.
- ✓ All Kind LLC makes a high quality line of Belgian Chocolate Bars that are accurately dosed and tested to be such.
- ✓ They are Batch Tempered, Hand Poured and Hand Wrapped
- ✓ All Kind's products have an artisanal quality standard representative of many products from Maine.
- ✓ Please maintain or expand the number of licensed small grows.
- ✓ Please allow for more opportunity for women in the industry.
- ✓ Please allow the Medical and Adult Use regulation to co-exist within the law.
- ✓ Please DO NOT require mandatory wholesalers. It takes income away from the producers and costs more for retailers.

Please contact: allkind@protonmail.com



ALL KIND

Diane Russell

dianerussell207@gmail.com | (207) 272-9182

Testimony Regarding Adult Use Marijuana Implementation

Senator Katz, Representative Pierce and distinguished members of the Joint Select Committee on Marijuana Legalization Implementation, thank you for the opportunity to be with you today.

On April 20, 2011, I launched the modern legalization movement, grounded in the understanding three key concepts:

1. The policy of prohibition has done little to reduce access for children;
2. African American communities and communities of color have been disproportionately impacted by marijuana prohibition in arrest rates across the country, and right here in Maine;
3. Prohibition was draining police and court resources away from violent crime prevention.

Nearly six years later to the day, I stand before you for the first time, not asking you to legalize marijuana for adults, but to fully implement it. I want to state at the outset that I have been asked to work for the industry, to lobby for various vested interests, and I have heretofore declined. I may happily work in the industry down the line, but it is absolutely essential to me that my credibility remain unimpeachable on this subject. I do not represent anyone. I am not paid by anyone to be here. There are a lot of financial interests at stake here, but we need someone knowledgeable who can advocate for the best possible policy for the people - and yes for the children - of Maine.

While I strongly support moving forward, I do believe this bill needs to be completely overhauled in order to be effective. It would be smart to do a committee bill, taking input from a variety of sources. It is my understanding that the general framework will be built around the work I have done for the past several years. While I appreciate people are going to want to put their stamp on it, much of my bill from last term addresses most of the concerns you will undoubtedly hear from both sides of the debate.


There are some key outcomes I am pretty committed to seeing in a final framework:

- 1. The revenue should primarily go toward building - and maintaining - schools, substance abuse prevention and training up new Drug Recognition Officers (DREs).**
- 2. Strong protections for kids. In my bill from last term, strong protections against youth-oriented marketing - much learned from the anti-tobacco campaigns - were included, as were packaging and labeling requirements.** In addition, we should be launching a full-scale educational initiative focused on reducing perceptions of risk among youth, educating parents about locking up their product, and other effective educational programs to reduce youth access and use.

3. Medical Marijuana Program. **The medical marijuana program MUST remain intact as a separate market segment, and as a separate program.** While there are people who will now have access to marijuana for medical purposes under the adult use commercial system, there remains an expertise and differentiation of strains that must continue. The adult use market was never intended - by anyone - to supplant or replace the medical market. That said, now would be an intelligent time to revisit the qualifying conditions and consider adding opioid addiction and autism to the list. I would also suggest removing the sales tax outright for patients, or replacing it with a copay that funds the medical program.
4. Communities of Color have borne the brunt of the prohibition policy over the past eight decades. I have been to ArcView, the lead group that brings both entrepreneurs and investors together to foster capital investments in the marijuana space. The investor side is largely filled with people who made money from Dot Com boom - I was sitting at the table with one of the founders of AOL, for example. The room was almost entirely white, and almost entirely male.

Now that marijuana is again legal, it is essential that we do not shut out the communities of color who bore the greatest brunt of the policy - from the wealth potential of the market. In fact, we need to create space for communities of color - and for women - to become successful entrepreneurs. This should not be a side project or an add on - it should be baked right into the policy.

5. Records must be exonerated. Now that marijuana is legal for adult use, we must address the fact that people have records from when it was illegal. **As I understand it, the Governor is the only person in Maine with the authority to “expunge” records entirely. However, the Legislature has the ability to permanently seal those records - and it should.**
6. The agency overseeing the program should be the Bureau of Alcoholic Beverages and Lottery Operations - BABLO - with an MOU agreement with the Department of Agriculture for overseeing the cultivation process. **Having worked with BABLO for years on VLA, I believe it is best equipped to license, manage and enforce the day-to-day aspects of the adult-use commercial system.**
7. Third-Party testing should be a requirement. **Consumers have a right to know what is in their marijuana, that it is free of mold, pesticides and harmful minerals. The amount of THC and CBD should be clearly labeled.**
8. Edibles. By 2020, it is estimated that 35% of the market will be concentrates. Therefore, edibles and concentrates must be a part of the market, but they also must be done in a manner that is well labeled and not attractive to youth. **My previous bill addresses all of this and sets forth very stringent regulations accordingly.**

9.  Marketshare. **I believe the people who have taken the risk in the medical market should be given early access to applying for the adult market, and I fundamentally believe that dispensaries and caregivers should be given equal opportunity to apply for licenses. The system should not require vertical integration, and in fact we should open up the wholesale market between the two sides of the industry so that the caregivers are free to sell marijuana to dispensaries.** Not everyone is going to want to have a retail establishment, but they should have a means to get their product to market. The Legislature should set a broad framework for licensing, but the details should be worked out in rulemaking.

My schedule does not give me flexibility to spend a lot of time here before you. However, I am available by phone and email, and to the Chairs, I can with advance notice be scheduled to come up for a work session to answer specific questions. While I am here today, I am more than happy to answer questions you may have so feel free to grill me. I realize that most people thought this was just a fun, sexy topic to work on as a lawmaker. In fact, it is quite detailed, boring and it is difficult to craft a path through the medical marijuana market that does not make one side or the other concerned.

Thank you again for your time and consideration.

Public testimony

First, I would like to introduce myself. My name is Darrell Gudroe, I hail from Boothbay Harbor. I am a board member of MMCM as well as the clerk. I have been a medical marijuana patient for many years due to 2 Knee surgeries, 3 back surgeries and stage for Melanoma. I am here today to beg you to PLEASE do not risk our strong medical marijuana program by combining it in any way with the new recreational program that you are charged with implementing.

At the Federal level, we have been warned yet again that Recreational Marijuana is under the spot light whereas Medical Marijuana is still recognized as a viable option for those of us that refrain from addictive opiates and other pharmaceuticals. Please don't combine these programs and cause risks to the patients in Maine like myself that will have no-where to turn if our program is combined or sunset. THERE IS NO EXISTING FEDERAL PROTECTION FOR RECREATIONAL!!! (and little to no protection at the state level)

If you were to sunset the medical program, you would be putting the very specific needs of children, seniors, the sick and the dying into the hands of a recreational provider that has a different interest in mind than do the caregivers of today.

In closing, I ask again that you preserve our medical Marijuana program by keeping it as separate from the recreational program as possible.

Sincerely,

Darrell Gudroe

Gudroe Technology Group

MMCM Board and Clerk

darrell@whobrokeit.com

207-557-1300



Testimony of Hilary Schneider, Maine Government Relations Director,
American Cancer Society Cancer Action Network

To the Joint Select Committee on Marijuana Legalization Implementation regarding the
implementation of legalization of recreational marijuana

February 28, 2017

Good afternoon Senator Katz, Representative Pierce, and members of the Joint Select Committee on Marijuana Legalization Implementation. My name is Hilary Schneider and I am the Maine Government Relations Director for the American Cancer Society Cancer Action Network (ACS CAN). ACS CAN is the non-partisan, non-profit advocacy affiliate of the American Cancer Society. We support evidence-based policy and legislative solutions designed to eliminate cancer as a major health problem.

Thank you for the opportunity to submit the following testimony on the implementation of the legalization of recreational marijuana. ACS CAN opposes the smoking or aerosolization, including vaporization, of marijuana and other cannabinoids in public places because the carcinogens in marijuana smoke pose numerous health hazards to the person using the product and others in the person's presence. Secondhand marijuana smoke contains many of the same cancer-causing and toxic chemical as secondhand tobacco smoke, including mercury, ammonia, cyanide, lead & formaldehyde. Many of the chemicals in secondhand marijuana smoke are toxic and contain hazardous fine particles that pose a significant health risk to non-smokers.

As your committee works through the many details of the implementation of legalization of recreational marijuana, we ask that you ensure that our laws continue to support the protection of everyone's right to breathe clean air in workplaces and public places. It is also important to recognize the impact that marijuana legalization can have on Maine's efforts to prevent and reduce tobacco use. Not only does allowing the smoking of marijuana in public places expose individuals to potentially harmful chemicals, it also has the potential to undermine our smoke-free public places laws by renormalizing smoking behavior and making enforcement of these laws confusing and difficult.

Attached to my testimony is the smoke-free public places law in Maine statute. You will note that the definition of smoking in this statute is:

"Smoking" includes carrying or having in one's possession a lighted or heated cigarette, cigar or pipe or a lighted or heated tobacco or plant product intended for human consumption through inhalation whether natural or synthetic in any manner or in any form. "Smoking" includes the use of an electronic smoking device.

As such, it is our interpretation that this definition encompasses marijuana, and as such, marijuana is not currently allowed to be smoked in public places, where a public place is defined as follows:

"Public place" means any place not open to the sky into which the public is invited or allowed. Except as provided in section 1542, subsection 2, paragraph J, a private residence is not a public place.

Your committee may want to consider amending the marijuana legalization statute, especially any section that applies to social clubs, to explicitly state that smoking and aerosolization of marijuana is prohibited, so it is not in conflict with our smoke-free public places law. The resources available to the Maine CDC and the Attorney General's Office for public education regarding our smoke-free laws and enforcement of these laws is already constrained. We would also recommend that your committee consider what additional resources may be needed to educate the public, including municipalities, about the marijuana being subject to our smoke-free public places laws and the resources needed to adequately enforce the laws.

At a time when we are experiencing alarming rates of youth use of new tobacco products, like electronic cigarettes, with 1 in 4 Maine high school students, including nearly 37% of 18-year olds, having used some form of tobacco product in the past 30 days,¹ we need to do more, not less, to prevent our youth from smoking and protect the rights of Maine people to breathe clean air.

Thank you for your time and attention, as well as your consideration of our comments. I would be happy to answer any questions you may have about this testimony.

¹ 2015 Maine Integrated Youth Health Survey, analysis conducted by MaineHealth Health Index Initiative.



MARIJUANA POLICY PROJECT

TESTIMONY OF DAVID BOYER

Joint Select Committee on Marijuana Legalization Implementation

February 28, 2017

Senator Katz, Representative Pierce, and distinguished members of the Joint Select Committee on Marijuana Legalization Implementation, greetings. My name is David Boyer, and I am the Maine political director for the Marijuana Policy Project. In that role, I ran the Portland, South Portland and Lewiston local initiatives in 2013 and 2014 and most recently served as the Campaign Manager for the Yes on 1 Campaign.

Marijuana Policy Project were major backers in the campaigns to legalize marijuana in Colorado, Alaska, Nevada, Maine and Massachusetts. During the implantation phase, MPP has also been a resource for legislators and regulators in these states.

One of the greatest benefits of legalization is the regulation of it. Regulating marijuana takes marijuana from the drug dealers and puts it into the hands of licensed, taxpaying business owners. When this committee is making important policy decisions, we hope members consider whether the policy encourages the underground market. Any policy that increases the cost of marijuana would certainly send more consumers to the underground market.

This committee wants to get legalization right, and avoid any errors by moving too quickly. While we don't disagree with that sentiment it's important to acknowledge that over the past several years, four other states have already been tackling the issue of implementing a system of regulation and taxation of marijuana. Maine can benefit from lessons learned in other states, and use best practices as guidance. Simply put, we do not need to reinvent the wheel. There will be tweaks and changes to the law as we go, as there should. The longer it takes for adults to purchase marijuana in a safe, regulated environment, the longer the underground market flourishes and illegal marijuana dealers prosper.

Federally, marijuana has been in the news recently. We hope the committee continues their work despite what the Trump administration may or may not do. So far, there hasn't any policy changes and given that 71% of Americans want the federal government to respect state marijuana laws, we don't think there will be. Officials in like Governor Hickenlooper in Colorado and Washington State Attorney General Ferguson have pledged to resist federal intervention.

Thank you for the opportunity to speak today and we look forward to working with this committee over the coming months.

February 28, 2017

Senate Chairman Roger Katz, House Chairwomen Teresa Price and other distinguished members of The Joint Standing Committee on Marijuana Implementation.

My name is Thomas Milliken. I am a father, grandfather, and resident of Manchester, who collected signatures, and voted in favor of legalization of recreational use of marijuana for adults for a multitude of good reasons, not the least of which is that Marijuana Prohibition has failed. Bills to legalize marijuana were introduced in the legislature two or three times before but the opposition and obstructionists voices were heard over the voices of the majority. The people have spoken and sensible regulation based on scientific fact is the best way forward.

The Legalization Referendum Statue is comprehensive, thoughtful, and for the most part well written. You should honor the will of the people and the bill should remain intact so far as possible. That said, I would offer the following random ideas as input for your consideration as to the final crafting of the law.

- Leave the individual's right to grow and consume as proposed alone. This was the underlying basis for Legalization.
- The sale of marijuana should be in stand-alone state licensed facilities. No concomitant sales of alcohol or tobacco. Mixing alcohol with marijuana is dangerous and will create a lot of liability. The state should not be sponsoring that kind of behavior. No retail business with a liquor license should be given a marijuana retail license.
- There should be no limit on the number of licenses issued or the size of the grow canopies'. Let the free market determine who's in and who's out of business. However, the licenses should benefit only Maine residents and corporations incorporated in the state of Maine. Furthermore, the licenses should only be issued to individuals who have been residents of the state of Maine continuously for at least 5 years, or corporations, who have been incorporated in Maine for at least 5 consecutive years, and who must have at least 80% of their shareholders be residents of state of Maine.
- The license fees should be reasonable and low to foster equal opportunity to Maine residents who want to try to better themselves.
- There should be warning labels put on all packaging stating that marijuana magnifies and exponentially compounds the effects of alcohol and should not be combined.
- Packaging of edibles should give amounts of THC in each individual product and also warn of the delayed effect of consumption.
- Sales of marijuana should not be allowed to anyone who has been drinking. Conversely, sales of alcohol should not be allowed to anyone who is under the influence of THC.

- Individual owners and corporations of agencies licensed to sell Marijuana, as well as agency employees, who sell to a minor, should have severe consequences; lose their license and get significant minimum fines and hundreds if not thousands of hours volunteer commitment. Supervised under aged volunteers could be used to assist enforcement in ferreting out noncompliance. I am sure parents and the folks advocating against legalization would be more than willing to find candidates to assist.
- Advertising should be severely limited so as to minimize underage exposure. Marijuana should not be glorified the way alcohol and tobacco products are. I would suggest advertising be limited to relatively small tasteful signs, trade journals, the individual business website and phone books. The marijuana business will do perfectly well without a lot of advertising.
- On the commercial retail level, the product should be tested for safety and no additives should allowed to be added to the marijuana to make it addictive like the tobacco industry did when they added nicotine.
- Marijuana use should be normalized in Maine i.e. professional licenses as well as gun usage (not gun purchases). No one should be working or using a gun impaired, but the usage of marijuana should not, in and of itself, be grounds to lose a professional license or the right to use a gun in Maine for all allowable purposes.
- Driving while OUI should not be determined solely by the presence of THC level but be based on impairment testing. However, the levels of alcohol detected for OUI could be reduced in the presence of higher levels of THC.
- It would be a nice gesture if people previously convicted of mere possession could have their records expunged in one fell swoop.
- The Medical Marijuana and the Recreational Marijuana should not be combined at this time. The Medical Marijuana Caregivers have much expertise that took years to acquire that is valuable to their clients and they should be left alone. If the 2 programs are combined, the least restrictive rules from either program should be adopted.
- Try to minimize the cost of to the taxpayers of implementation, regulation, and enforcement. Now that marijuana is legal, there should be less need for enforcement over and above what is already in place. Any additional jobs that are going to be created should be in the private sector and unfunded by taxpayer money. Aside from some extra training, the departments and staff are already in place. You just need to decide who will do what, and when, in the most efficient and cost effective way. It would seem that police and game wardens would be naturals for impaired operation; the Department of Agriculture for enforcement of safe and healthful practices during production and distribution to state licensed agencies; the Bureau of Alcohol and Tobacco for licensing, regulation and compliance of state licensed businesses; and the Maine Revenue Services for tax and business compliance.

Thank you for this opportunity to weigh in on this historic piece of legislation.

TM

To the Joint Standing Committee on Marijuana Legalization Implementation

Chairs, Representative Pierce and Senator Katz, and other members of the committee, Rep. Kent Ackley, Rep. Bruce Bickford, Rep. Lydia Blume, Rep. Patrick Corey, Sen. Susan Deschambault, Sen. Mark Dion, Rep. Scott Hamann, Rep. Lance Evans Harvell, Rep. Craig Hickman, Rep. Erik Jorgensen, Sen. Joyce Maker, Rep. Donald Marean, Rep. Kimberly Monaghan, Rep. Michael Perkins, and Sen. Kimberly Rosen,

With the many various "marijuana" bills before you, you have quite a task and responsibility in this historic moment as you bring to a close the misguided and senseless prohibition of a plant with so much potential as a potent but extremely safe and broadly useful medicine. I commend you and expect it will be difficult to maintain an eye to the greater good, and be fair to all, by limiting bias in the resulting regulations as you navigate the various bills representing competing commercial interests and the legacy of controversy and stigma. Today I am here voicing my concerns, but the concerns I feel are shared by many of the close to fifty thousand people who currently recommend, produce, or as patients use, cannabis legally under the laws controlling Maine's medical marijuana industry. Many of these people, who represent as much as 13% of those who voted in the election on question one, voted against legalizing adult use because they were concerned about the negative impact these new regulations would have on their lives. Even though the language of the referendum very clearly states that it "...may not be construed to limit any privileges or rights of a qualifying patient, primary caregiver, registered or otherwise, or registered dispensary under the Maine Medical Use of Marijuana Act", ...they voted against their fundamental interest in having cannabis legal. Now we find that they were justified in their concerns as it is clear there are many who serve in the Maine government who's intentions are, in fact, not in alignment with the language and intent of the referendum. People are now actually planing on some form of merging, or even outright elimination, of one of the nation's best medicinal cannabis programs. On behalf of myself and the fifty thousand others involved in the medicinal cannabis industry, I ask that you protect Maine's Medical Marijuana Program from being adversely impacted during the process of implementation of the referendum that you are now charged with overseeing. There are many reasons that Maine's Medical Marijuana Program needs to be kept separate from or merged with "adult use" regulations, or worse eliminated entirely, I will offer up a few:

First. Patient care and safety.

Today patients get the care they need from doctors, nurse practitioners, caregivers, and dispensaries. It should be pretty clear that "Retail" marijuana establishments, being optimized to serve the more casual adult consumption market and offering information oriented to, and appropriate for that customer, will not be able to provide the level of care these patients need.

For a good dispensary staff member or caregiver, every patient is assisted on a case by case basis with careful attention given to their personal and individual needs. We are not merely marijuana salespeople, but caregivers providing comprehensive support for our patients. There are, of course, a percentage of patients whose needs and understanding of cannabis are such that they only require access to a safe supply of clean medicinal quality cannabis from their caregiver or dispensary. However, many, even many of those who have "experience" with marijuana from their past, at least initially, need help understanding how to use cannabis medicinally. In addition to their medical providers it is these caregivers who help with ongoing guidance regarding appropriate strain selection, dosing and methods of ingestion to meet the patient's needs. Some must be shown that smaller does can be more effective than larger, while others need education and assistance with managing the undesired side effects of the larger dosages needed for certain treatments. Most of these patients continue to benefit from the various levels of support provided throughout the relationship with their caregiver. This level of care will not be the focus of most "retail" establishments...and appropriately so. Starting small businesses requires focused attention on the business and customer needs and there is a pretty big difference between the needs of the casual cannabis consumer and the needs of many of our patients.

Second. The strength of Maine's medicinal cannabis industry.

Since 1999 medical marijuana has been legal in Maine and our program has evolved into one of the best in the nation. Maine's Medical Marijuana Program serves somewhere around 40,000 patients through the efforts of doctors, nurse practitioners, testing facilities, dispensaries and caregivers. This represents over 3000 small businesses in Maine, employing more than the state's largest employer, Central Maine Healthcare Corp., with about 2,500 employees. Maine has the oldest population in the nation with almost 18% over age 65, a demographic that finds medicinal cannabis extremely beneficial, this represents a real opportunity to build large and small businesses and jobs in the state. This is a legitimate Maine industry governed by a body of law almost two decades old. If this were any other industry, the idea that legislators would be considering making regulations that put in jeopardy 40,000 patients' access to safe medicine and over 4000 jobs instead of encouraging the growth of these existing businesses is preposterous at a time when business growth in Maine is so limited.

Third. There is a very real legal importance of keeping the two programs distinct.

We, you, must keep these programs separate and distinct for many legal reasons. We are in the early days of cannabis' emergence from prohibition and, like it or not, that process will continue to be somewhat controversial and contested at many levels in the courts and the highest levels of government.

In a recent press conference President Trump's press secretary Sean Spicer said, "There's two distinct issues here: medical marijuana and recreational marijuana," and, "...the President understands the pain and suffering that many people go through who are facing especially terminal diseases and the comfort that some of these drugs, including medical marijuana, can bring to them." Later on he continued with, "...there's a big difference between the medical use which Congress has, through an appropriations rider in 2014, made very clear what their intent was in terms of how the Department of Justice would handle that issue. That's very different than the recreational use, which is something the Department of Justice I think will be further looking into."

It seems then, entirely possible that Washington will choose to disregard Maine's law and sovereign rights while pursuing newly regulated "legalized" marijuana businesses according to federal law. There will also be some, although it would seem a minority, in Maine's law enforcement community who will also represent a risk to "legalized" marijuana when given authority by the federal government. And there will be other legal conflicts in the courts, and before the legislature, from commercial and other special interests as well.

Clearly keeping the medical program separate and distinct from "legalized" and regulated marijuana is a distinction important to law enforcement, particularly federal law enforcement, and will also be important as the law evolves in both the courts and before the legislature in the coming years.

I hope the hazards of impacting or combining the medical program as the "legalization" of marijuana is implemented and thereby putting in jeopardy around 40,000 patients' safe access to medicinal cannabis are clear. But at the risk of sounding hyperbolic, for some patients, losing access to medicinal cannabis could be literally life threatening. Many of our patients are patients with clinical, intractable, pain, that through the use of cannabis are able to reduce their prescription opioid consumption to much safer levels, in some cases eliminating opioids entirely. Don't take my word on the reality of this issue, from the Center for Disease Control web site, "Nearly half of all U.S. opioid overdose deaths involve a prescription opioid" with over 1,000 people treated in emergency departments for prescription opioids every day. And, "In 2015, more than 15,000 people died from overdoses involving prescription opioids." And as we all know this issue has become even worse since then.

I have touched on just a few of the reasons it is important to keep the two programs separate, there are others unseen, or that will over time emerge as issues to be addressed and will become the work of the next few years. However, surely these 40,000 patients and the over 4000 small businesses that serve them legally under almost two decades of Maine law deserve to be protected. Why should the broader legalization of marijuana negatively impact this nascent medicinal cannabis industry? Shouldn't this, as one of the few established growth industries in Maine, instead be nurtured and encouraged to grow under marijuana's long over due emergence from prohibition?

Please consider the possible impact on *all* of our patients and our fragile small businesses as you deliberate the many bills that will be coming before you.

Thank you very much for your efforts and considerations,

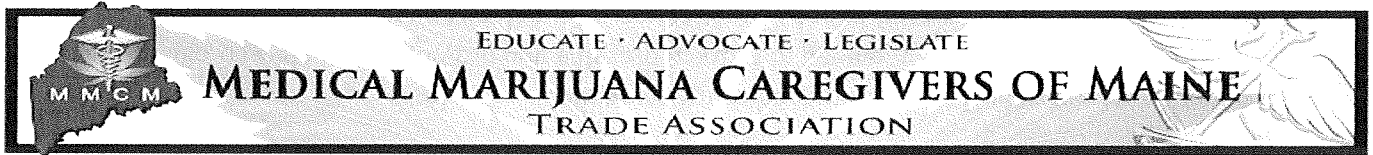
Hamilton Hall
Camden, Maine

Christian Rowell small business owner, 207-876-3420

Committee on Marijuana Legalization Implimentation

Senator Katz, Senator Pierce and committee members thank you for asking the public for input.

This committee is tasked with the implimentation of recreational Marijauna. You will be presented with many bills during this process. I think it is important to preserve the will of the voters. More specifcly the home grow portion of the bill you have been assigned to work on. Those who can or choose to grow thier own should not be forced to purchase product through a retail enviorment.



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February 28, 2017

Good afternoon Senator Katz and members of the committee. I am speaking on behalf of the Medical Marijuana Caregivers of Maine Trade Association members, that consists of caregivers and patients who depend on medical cannabis to treat a variety of illnesses.

I am the board chair, a caregiver and a patient myself. I have concerns surrounding the implementation of the Adult Use program. On the news, in the papers and in these very halls, it has been asked, "Why do we need the Medical Program if we have Adult Use?" Just the fact the question is being asked is concerning. This concern leads me to wonder how many people have really been paying attention to the current program and the testimonies that have been presented by patients, caregivers and other professionals over the past several years as we have been improving our Medical Program. If you are not aware, we have one of the best medical programs in the nation. Our patients have privacy that many states do not offer. Other states are trying to emulate us. Our trade organization receives calls from other states looking for guidance in improving their own programs. I'm greatly concerned to hear that some believe we should merge our medical program into the recreational market.

As a caregiver I consult with many patients. Most are seriously ill. Many are older and require assistance finding what works for them. Most are concerned with privacy. It takes time to develop a relationship and trust. I often work with their recommending doctor in developing a strategy and ongoing updates are necessary as the patient progresses. The service I and many other caregivers provide would not be available in a retail setting. As a caregiver the strains I grow are chosen based on the needs of my clients. We have several strains that are low thc, and high cbd which will not get the patient "high" but treats many ailments. They are not easy strains to grow, they have lower yields than others and are not popular with the recreational markets. My patients depend on these strains, and they would not be readily available in the retail setting. They are not what the majority of recreational customers would be looking for and would not make sense for adult use growers – which is an important issue to differentiate: medical marijuana patients are patients, not customers. The custom products that I produce out of these various strains would be difficult for patients to find in a retail setting. I customize strengths and dosages based on the individual patients needs, not in bulk.

These scenarios are not unique to me. This is our current medical marijuana program. This is the type of service that many caregivers offer to medical patients. I have been teaching classes for the past several years for caregivers who want to be able to truly take care of the seriously ill. The Trade Association has

almost 500 members. Our program currently services over 50,000 patients. There are 8 dispensaries and over 3000 active caregivers. We need to protect, preserve and promote our medical program, the patients and the small businesses that currently serve them.

It also should be mentioned that the people of Maine when presented with the bill before voting for adult use were assured the medical program would not be impacted by "legalizing adult use." To immediately turn around and suggest sunseting the medical program into adult use defies voter intent.

Thank you for your time and attention,

A handwritten signature in cursive script that reads "Catherine Lewis".

Catherine Lewis

Board Chair/Director of Education

MMCM

Trade Association

207-56-3501

TESTIMONY

Marijuana Legalization Implementation Committee
Public Hearing February 28, 2017

To the Members of the Committee:

Thank you for your thoughtful consideration of the implementation of the new Maine Recreational Marijuana Law.

A few items for you to consider when implementing new rules governing the Legal Sales and Use of Recreational Marijuana in Maine are:

- Not all rules governing Recreational Marijuana should automatically be applied to the Medical Marijuana Program.
- The Medical Marijuana Program, as administered and overseen by the Department of Health and Human Services already includes safeguards for both the public, and participating Patients, Caregivers and Dispensaries.
- Caregivers and Dispensaries in the MMP program who voluntarily and independently test their products have loyal Patients who realize the benefits of doing business with small, patient-centered and ethical providers who choose to voluntarily test their products.
- Creating mandatory testing for Medical Marijuana providers would be an onerous burden particularly for Caregivers, who are small businesses already struggling to comply with existing regulations.
- Creating rules regarding testing for acceptable THC levels in drivers completely disregards the medical needs for such THC in certain qualified individuals.
- Any regulations created for the governance of Recreational Marijuana should not necessarily be applied to the Medical Marijuana Program, since such regulations may be an unreasonable burden on Caregivers who already comply with the existing rules of the Program; and who work hard to provide safe, tailored treatment to those in medical need.

Thank you again for your consideration, on behalf of all citizens of Maine.

Sincerely,
Joanna Reese
Bryant Pond, Maine



Statement by - **Scott M. Gagnon, MPP, PS-C**
scott.m.gagnon@gmail.com

***Chair, Smart Approaches to Marijuana, Maine &
Chair, Mainers Protecting Our Youth and
Communities***

To Members of the Committee on Marijuana Legalization Implementation

February 28th, 2017

Senator Katz, Representative Pierce, and members of the Committee on Marijuana Legalization Implementation. My name is Scott M. Gagnon a resident of Gray, Maine. I am a Certified Prevention Specialist with over a decade of experience in the youth substance abuse prevention field. I am the Chair of Smart Approaches to Marijuana, Maine and was the leader of Mainers Protecting Our Youth and Communities, the No On 1 campaign. But most importantly, I am a father of three young children; the most important role that truly drives and informs all of my efforts to protect and promote public health.

We sit in this room at a pivotal and consequential time in Maine. We are in the throes of an addiction crisis that has shown no signs of easing. There are important and commendable initiatives underway from all levels of government and local coalitions to fight this epidemic. We must continue to support and expand these efforts. But as we douse the flames, we must pay heed to the fuel for the fire. Marijuana may not be THE gateway drug but federal data is clear that it is an entryway into addiction. A recent CDC VitalSigns report published data from the National Survey on Drug Use and Health which shows those who are addicted to marijuana are 3 times more likely to be addicted to heroin.¹

This means marijuana is inextricably linked to our addiction crisis in Maine. This also means, this committee has the heavy responsibility to ensure that the decisions made in implementing marijuana legalization, do not inadvertently exacerbate an already untenable public health crisis.

We have made great strides in Maine and in the US in addressing the decades of pain and suffering inflicted on our people by the Tobacco Industry. Thanks to the efforts of public health entities such as Healthy Maine Partnerships, Maine CDC, and others, we have been successful in significantly driving down youth and adult tobacco use rates. Meanwhile we have seen CVS pull tobacco from their shelves and more public institutions such as colleges and universities going smoke free. We are making long overdue cultural and systems changes around tobacco.

¹ National Survey on Drug Use and Health (NSDUH, 2011-2013)
www.cdc.gov/vitalsigns/heroin

Decades ago, the country was in an era where tobacco was glorified as a cool, hip product, used by our favorite celebrities. It was a product promoted to children by cartoon characters. It was a product that was going to make the country and the states lots of money. It was a product that was promoted by medical professionals in the media. And it was a product whose scientifically proven harms to the health of young and old alike, were obscured and denied by the industry. Unfortunately, in those days we ignored the warnings of the medical and public health professionals, and we paid, and continue to pay, a heavy price.

Today we are in an era where marijuana is being glorified as a cool, hip product, with brands being launched by our favorite celebrities. It is a product luring our youth in the shape of a gummy bear. It is a product promised to make our state lots of money. It is a product promoted by medical professionals in the media. And it is a product whose scientifically proven harms to the health of young and old alike are obscured and denied by the recreational marijuana industry.

The good news is you have a wealth of public health and substance abuse prevention experts with proven track records in Maine. I implore that you tap into and leverage our expertise and experience. We know the individual and community level influences that increase the protective factors amongst our youth while reducing risk factors. We can help you shape policies that make public health and the wellness of our youth as the top priorities.

And we come to the table with ideas. I have included with my testimony, key recommendations we in Mainers Protecting Our Youth and Communities have made when it comes to marijuana legalization implementation. The attachment has greater detail but briefly we recommend and advocate for the following:

- Tax rate must be increased to cover the social costs created by legalization and to deter youth and heavy use.
- Serious penalties and consequences for retailers or adults who sell to minors.
- Statewide retail marijuana enforcement, to include underage compliance checks.
- Requirement of licensure, that all retail staff receive responsible-seller training.
- Strict regulations on advertising including prohibitions on TV advertising.
- Strict product standards for retail marijuana including:
 - Ban on edible products that are attractive to children.
 - 15% cap on THC potency for all non-medicinal marijuana products.
 - Opaque, child-proof packaging of edibles in single doses.
- Prohibit the location of retail dispensaries within 1000 feet of underage sensitive areas such as private and public schools, daycares, HeadStart programs, college campuses and others.

I do not envy your role. The decisions that are made in this pivotal time will impact Mainers for generations. We stand ready to help. Let us work together to ensure the futures for the youth of Maine continues to be healthy and bright.

- Minimum one-year moratorium on implementation to provide adequate time for state and local systems to research, construct, vet, and approve smart, science-informed policies that will minimize risks and harms to Maine youth and communities.
- Joint Standing Committee solely devoted to rulemaking, implementing and bills related to Question 1. Further, we recommend the establishment of an Advisory Group comprised of community experts in the areas of public health, law enforcement, education, workforce, addiction, prevention, and medicine.
- No decision making authority for marijuana industry or vested interests
- Tax rate should be increased to fully cover implementation and to deter youth and heavy use. Portion of marijuana tax revenues should be dedicated to addiction prevention, treatment, and recovery services to help combat the addiction crisis.
- Serious penalties and consequences for retailers that sell to minors. Consequences should escalate if a minor is sold or given marijuana by an adult and then that minor is killed or injured in an accident caused by the impairment of said marijuana. We also recommend significant consequences for adults providing a place for minors to consume marijuana. (i.e. social hosting laws)
- Statewide retail marijuana enforcement, to include underage compliance checks.
- Requirement of licensure, that all retail staff receive responsible-seller training, to include training on spotting fake IDs. Additionally, licensees should not be absolved of responsibility from determining the validity of IDs.
- Strict regulations on advertising. No advertising on TV. No advertising in print, digital, or other media likely to be read by youth.
- Strict product standards for retail marijuana.
 - Ban of all edible products that could be attractive to children
 - 15% cap on THC potency for all non-medical marijuana products including edibles.

- Edibles packaged in individual, single doses in child-proof, opaque packaging. No cartoon characters or other imagery attractive to children.
- Prohibit the location of retail dispensaries within 1000 feet of underage-sensitive areas. (private and public schools, daycares, headstart programs, shelters, Boys and Girls clubs, places of worship, college campuses, etc.)
- Protections for landlords who would choose to not allow the consumption of any marijuana products, smoked or otherwise, on their premises. Tenants should also have recourse and protections from nuisance (e.g. odors) and harms caused by neighbors growing or consuming marijuana.
- Protections for employers to continue to implement hiring and human resource policies aimed at maintaining a safe, drug-free and impairment-free workplace.

Contact information:

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**Testimony of the Efficiency Maine Trust
Michael D. Stoddard, Executive Director**

**Marijuana Legalization: Implications for Maine's Electric Grid and Energy Efficiency
Presented to the Joint Select Committee on Marijuana Legalization Implementation**

February 28, 2017

Chairman Katz, Chairwoman Pierce, and Honorable Members of the Joint Select Committee on Marijuana Legalization Implementation:

The Efficiency Maine Trust appreciates the opportunity to illustrate the potential impact of the commercial growing of cannabis on Maine's electric grid and to present the opportunities for energy efficiency to mitigate that impact. To that end, we are attaching to this testimony a presentation prepared by our sub-contractor Energy Resource Solutions (ERS), which summarizes recent research in this area.

Cannabis cultivation facilities are energy-intensive. Lighting represents the largest source of energy demand from cultivation, since the industry practice is to grow the plants indoors providing artificial lighting for many hours per day. Cannabis cultivation also requires significant electricity consumption to provide air conditioning, ventilation, dehumidification, and other climate-control measures. In some operations, cannabis processing stages (e.g. drying, curing, extracting) present additional energy needs.

ERS's research shows that the typical cultivation facility uses high-intensity discharge (HID) lighting fixtures and piecemeal, off-the-shelf mechanical equipment for climate control. Energy-efficient alternatives such as LED lighting, customized HVAC systems, outdoor air economization, and heat recovery dehumidification are entirely appropriate, but rarely employed in these operations.

The impact of this new industry on Maine's energy demand and electricity ratepayers could be substantial. Assuming the State licenses 800,000 square feet of canopy space, ERS forecasts a 50 MW increase in demand attributable to lighting alone. They estimate that this will require an additional 10 MW in cooling equipment to reject waste heat from the lighting fixtures. This 60 MW demand increase is roughly equivalent to the energy required to power all the homes in Portland, Lewiston and Bangor. Recent forecasts, made before recreational cannabis was approved by referendum, predict that Maine's electricity demand would grow at a rate of approximately 0.8% per year. Adding 60 MW of new cannabis cultivation to the equation, if it were to occur in a single year, would raise this growth rate to 3.0%. While this rate of growth may be easily accommodated on some sections ("circuits") of the grid's distribution system, it has the potential to stretch the capacity of others. In sections of the grid where the distribution system is already near its maximum capacity, the sudden addition of significant new electricity demand poses some potential impacts that this committee should consider so that there will be appropriate planning and ratepayer costs are minimized.

We also want to convey the point that energy efficiency could help to mitigate this impact. If these new facilities install LEDs, modeling shows a potential 36 MW increase in demand (30 MW in lighting, and 6 MW in corresponding cooling). In other words, this one energy efficiency measure could cut the projected demand growth by 24 MW, or 40%.

It is important to note that ERS's research to date only captures the demand associated with lighting. The other energy requirements enumerated above have yet to be quantified.

Efficiency Maine would welcome guidance from the Legislature on whether and how we could offer incentives to this industry, consistent with our mandate to harvest all energy efficiency that is cost-effective, achievable and reliable. We also stands ready to work with policymakers to explore whether there are other alternatives – such as building energy code or permitting requirements – that could help ensure that new growing facilities are as efficient as possible.

Thank you for this opportunity to highlight this issue as you consider the impacts of cannabis legalization and plan for its implementation.

Respectfully submitted,

/MDS

Michael D. Stoddard
Executive Director

Enc.

Dear Marijuana Legalization and Implementation
Committee Members

Re: Commercial Sale and Cultivation of Marijuana in Maine

Submitted by: Shari LaTulippe 125 Eastbrook Rd. Franklin, Maine

The Referendum to legalize Recreational Marijuana and personal cultivation should not have been allowed to be voted on by the general public. This issue should have been seriously scrutinized by lawmakers at the state level with formal public hearings.

What societal benefits are gained by allowing the commercial sale of Recreational Marijuana at retail shops? Tax revenue is not enough to convince me that this is a good idea.

Creating employment opportunities for people is a very weak proposal. Working at a 'pot shop' is not a highly aspiring goal in life. A college education and a meaningful career is a better choice.

Allowing anyone to cultivate marijuana plants on their property is irresponsible at best. How can we be sure people will adhere to the maximum plant allowance? Who's to say no one will be selling marijuana for recreational use? What plans are in place to oversee this 'wild wild west' aspect of the Marijuana Referendum? Not all people are responsible or considerate of others or laws.

Marijuana is a non-native plant that requires copious amounts of water over a long growing period to reach maturity, will occupy valuable landscape where native flora would grow and support native fauna (birds, insects, mammals, reptiles, amphibians). And may require the use of pesticides. Isn't this a comforting thought? Excess amounts of electricity is consumed when Grow Lights are used in indoor operations. This plant has a long growing season to reach maturity and needs lots of warm temperatures. Conservation of resources may not be part of this formula. There are serious issues regarding resource consumption. For the benefit of who? Only those who choose to smoke and cultivate Marijuana.

Growing Marijuana during a drought as we experienced in 2016 will exacerbate the negative conditions a drought creates, not only for native flora and fauna but also for people who live near cultivation sites. Is this a responsible use of natural resources? Growing food crops on a real farm is one thing, but growing Marijuana just because you want to end supposedly how you can in Maine, is not a good idea and just plain ridiculous.

In my opinion, Recreational Marijuana shops are not a necessity in Maine and we are at a point in the process where we can say no to any in the future. For those who have started personal growing operations, it's just an increase in the status quo.

Before we continue on the path to legalizing Recreational Marijuana retail shops and further burden the resources of Maine's cities and towns along with the added demand on natural resources, Take a break and seriously rethink this whole endeavor.

For those of us who do not support the Recreational Marijuana Referendum and all of its implications, I hope we have more opportunities to voice our concerns.

Since Medical Marijuana is established in Maine where regulations are in place and can be improved upon, here is where the extent of Marijuana's availability should stay. No Social Clubs, No Retail shops, if possible at this point in the process.

We live in Hancock County, Franklin, Maine where drug use is high, sale of illegal drugs occur near our home. This type of activity does affect the quality of life for those who live near these people. I am not interested in the increased availability of drugs, legal or not.

Once again, I urge you to not allow the legalization of Recreational Marijuana to proceed.

Thank You for considering my concerns

Sincerely, Shari Lalulippe and Christophe Wiebeseh

Marijuana Legalization Implementation Committee

**Joseph Lusardi, Executive Director of Maine Organic Therapy – A
Medical Marijuana Dispensary located Ellsworth Maine**

February 28, 2017

Good afternoon Senator Katz, Representative Pierce and distinguished members of the Marijuana Legalization Implementation Committee.

My name is Joseph Lusardi and I am the Executive Director of Maine Organic Therapy, one of the very successful 8 state regulated Medical Marijuana Dispensaries located in Ellsworth, Maine.

My background is primarily in retail sales at the upper management level. I began researching the possibilities of opening a dispensary over six years ago; we were pioneers who learned the process under the strictest regulatory guidelines. Maine Organic Therapy has standard operating procedures, a vertical integration infrastructure whereby we have a regulated grow-out facility in Biddeford, a regulated process for preparing product for retail to medical marijuana card holders and a competitive retail medical dispensary in Ellsworth.

As many of you know, operating a small business is a passion; there are no doubt ups and downs, constant attention to detail, constant attention to rules and regulations, human resource management, balancing the income and expenses.

But at the end of each day, I enjoy what I do; I continue to learn each day and provide a quality product to serve the medical requirements of my patients.

We have built a successful business infrastructure, including landlords, equipment vendors, dedicated employees, couriers, legal and a consistent flow of reliable tax revenue for the State of Maine.

Our number one objective is to supply our patients with a highly regulated quality and consistent product.

In closing, I would like to arrange for the entire committee to participate in a regional one day tour of existing grow out facilities and current dispensaries in order to provide a firsthand look at our successful medical program.

Thank you

Joseph Lusardi

Testimony of Shaw Weeks, M.B.A.
Joint Select Committee on Marijuana Legalization Implementation
Public Comment Meeting - February 28, 2017

Good afternoon, Sen. Katz, Rep. Pierce and members of the Joint Select Committee on Marijuana Legalization Implementation. My name is Shaw Weeks, and I live in China. I am here today to provide my insight and input regarding legal marijuana implementation. I offer the committee my full support and encouragement in your monumental undertaking. I have been operating as a marijuana caregiver for the past three years and in combination with my education and experiences, I feel I can offer the committee some insight. I am pleased to learn that the committee will be using resources from other states that have already gone through this process. Further, I was relieved to hear the committee understands the implications of a high tax on cannabis products, ultimately affecting the revenue the state will collect and the growth and continuation of the black market.

My first concern is that the committee may lose sight of the original intent of the referendum. It has been stated that no one had read the entire text of the referendum. I need to inform the committee this is untrue. Many passionate folks, including industry professionals like myself, have labored over the text of the referendum. I'm sure I'm not alone in having read through the bill's entirety on multiple occasions and even going so far as to reach out to members of the group who drafted the referendum.

I strongly believe that the intent found in those 28 pages must be carried forth into your committee's deliberations. I believe that the general population was strongly in favor of legalization and the medical marijuana community strongly split, with the majority voting no on one for one reason. That reason is fear of losing whatever economic prosperity the medical marijuana industry brought to our struggling communities. Folks fear that out-of-state investment types will come to Maine and push small growers out of the market. This is why the bill outlines provisions such as: "The state licensing authority shall license marijuana cultivation at retail marijuana cultivation facilities by unit blocks of 10 feet by 10 feet, or 100 square feet, of plant canopy, with 40% of all licenses issued going to licensees of 30 unit blocks or less. The maximum amount of unit blocks allowed to a single licensee is 300."

I believe language like this is important and designed to protect those small-scale growers and the communities they operate in. The bill itself only restricts licenses for cultivation and does so with an overall canopy ceiling of 800 thousand square feet, to be adjusted as needed. It protects our local industry even further by accepting only established caregivers and board members of dispensaries in the first round of licensing for cultivation.

As you move forward, I urge the committee to determine appropriate guidelines to govern the licensing application process. It is important that established businesses already operating and paying licensing fees in the industry receive special consideration. Those who have taken the extra step of incorporating their company with the state should be looked upon favorably. It is equally important for these business to be keeping accurate records and be in good standing with the Maine Revenue Service. Businesses with active and long-standing relationships with banks, credit unions, and accountants should also be favored as they have kept real accounts of their business.

Marijuana legalization will be a major advantage for the Maine economy and its people. Marijuana has been sold here for decades; taxation and regulation will only divert that black market industry into one that instead works for the Maine people.

Thank you for your consideration. I look forward to following the committee's progress and I am happy to answer any questions you have for me.

DRAFT ----- WIPE MAINE CLEAN ----- PROPOSAL TO END CANNABIS PROHIBITION

WE, THE PEOPLE OF MAINE, REQUEST/PETITION OUR LEGISLATORS TO PLACE ON THE NEXT BALLOT VOTE THE QUESTION OF WHETHER TO RE-LEGALIZE CANNABIS/HEMP/MARIJUANA. IF THE LEGISLATURE REFUSES TO ACT ON THIS, THE CITIZENS WILL INITIATE A PETITION DRIVE TO COLLECT THE NECESSARY NUMBER OF SIGNATURES TO PLACE THIS ACT BEFORE THE VOTERS OF MAINE.

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OFFICE OF
THE SECRETARY OF STATE

WE THE PEOPLE OF MAINE WANT ALL LAWS CONCERNING MARIJUANA REMOVED FROM THE CURRENT LAWS AND REGULATION, WITH THIS PROPOSAL REPLACING ANY CURRENT LEGISLATION AND THE WORD MARIJUANA REMOVED FROM TITLE 17-A

ALL PRISONERS WHO ARE INCARCERATED FOR MARIJUANA-RELATED CRIMES ONLY ARE TO BE RELEASED UPON PASSAGE OF THIS PROVISION AND SET UP A SYSTEM FOR ALL CITIZENS TO FILE FOR WIPING THEIR RECORDS CLEAN OR RECORDS EXPUNGED FOR MARIJUANA-RELATED CRIMES ONLY.

DESIGNATE AGE LIMIT OF 19 YRS OLD TO POSSESS/GROW/USE MARIJUANA. NO CRIME FOR UNDER AGE USE BUT AUTHORITIES SHALL BRING YOUTH HOME TO PARENTS AND MAKE THEM AWARE OF THE PROBLEM FOR REMEDY.

NO RESTRICTIONS AS TO WHO CAN GROW OR HOW MUCH. HEMP IS INCLUDED AND SHALL BE ENCOURAGED BY THE AGRICULTURAL DEP. AND EXPADITED.FOR FARMERS.

STATE MUST PRODUCE TESTS TO CONCLUDE ACTUAL IMPAIRMENT FOR DRIVING OFFENSES THAT ARE NOT SUBJECT TO HUMAN ERROR OR CONCLUSIONS.

SET UP A COMMITTEE FOR THE REGULATIONS WHICH SHALL INCLUDE 50% CITIZEN ACTIVISTS. ANY ADDED REGULATIONS SHALL BE BASED ON SCIENCE AND RESEARCH, FACTS, NOT HEARSAY.

EXISTING MEDICAL LAW IS NOT AFFECTED AS FOR CAREGIVERS AND DISPENSARIES. CANNABIS/MARIJUANA IS DEFINED AS A MEDICINAL HERB FOR ALL PEOPLE. MEDICAL LAW IS NEEDED TO PRESERVE DR./PATIENT CONFIDENTIALITY AND MUST BE KEPT.

TAX SHALL BE AT LEAST 1% LESS THAN ALCOHOL BECAUSE IT IS SAFER, WITH NO TAX FOR MEDICAL USES REGULATIONS TO BE FORTHCOMING FROM COMMITTEE TO BE PASSED BY LEGISLATURE.

FREE MARKET SHALL DICTATE PRICE OF PRODUCTS, NO MANDATORY PRICING. PUBLIC USE LIMITED, BUT SIMILAR TO ALCOHOL AND TOBACCO. COFFEE HOUSES + CLUBS PERMITTED, NO LIMITING OR RESTRICTIONS.

THERE SHALL BE A NON-DISCRIMINATION CLAUSE FOR ALL EMPLOYMENT, DHHS, SCHOOLS + SERVICES PUBLIC OR PRIVATE

STATE SHALL RESEARCH AND PRODUCE EDUCATIONAL PAMPHETS TO RE-EDUCATE THE PUBIC TO THE FACTS ABOUT THIS PLANT AND ITS POTENTIAL THIS SHALL INCLUDE THE TRUTH AND FACTS ABOUT HOW PROHIBITION STARTED AND WHY, WITH AN ADMISSION THAT THIS LAW WAS A MISTAKE AND SHOULD NEVER HAVE BEEN ENACTED, SO SAY THE PEOPLE OF MAINE.

OUR STATE MOTTO IS DIRIGO, AND IT IS TIME TO DO SO.

Jeffrey Walls

43 Sorey Rd.

Stockton Springs, Me. 04981

Sen. Roger J. Katz, Rep. Teresa S. Pierce and The Joint Select Committee on Marijuana Legalization, I am Jeffrey Walls from Stockton Springs, a seventh generation Mainer and a medical cannabis patient. Thank you for the opportunity to address you today in regards to upcoming implementation of recreational cannabis laws as well as potential alterations to Maine's medical cannabis program.

First, I would like to commend the legislature on passing LD88, An Act To Delay the Implementation of Certain Portions of the Marijuana Legalization Act. The Question 1 legislation passed by Maine's voters in November 2016 was fraught with nebulous language and I appreciate the sagacity of the 128th Legislature realizing proper implementation would take longer than the 9 months stipulated in the measure.

I would like to focus on two segments of implementation; patient and citizen's rights.

First, I highly urge the committee to strictly adhere to this section of the proposed legislation:

§2454. Construction

1. Relation to the Maine Medical Use of Marijuana Act. This chapter may not be construed to limit any privileges or rights of a qualifying patient, primary caregiver, registered or otherwise, or registered dispensary under the Maine Medical Use of Marijuana Act.

Maine has one of the highest rated medical cannabis programs in the United States according to the 2015 assessment by the Americans for Safe Access, a group that advocates for safe and legal access to medical cannabis for therapeutic use and research . The report uses a point system to grade each medical marijuana law on: a) patients' rights and protection from discrimination, b) access to medicine, c) ease of navigation, d) functionality and e) product safety. Maine scored 408 out a possible 500 points with every category resulting in a score of 86% or higher with the exception of product safety, where Maine scored 42 out of 100.

Maine's medical cannabis patients need the access afforded to them by local caregivers and the ability to grow their own medicine. Restricting patients to a centralized cultivation and distribution system limits their choice and freedom, jeopardizes access in rural areas, and makes medical cannabis unaffordable and out of reach for many qualified patients. Because not all patients have the skill, time or space to cultivate their own cannabis, patients need both centralized and localized cultivation. We must strive to provide the most healthcare options for patients and to empower them to make their own decisions regarding medical treatment.

Cannabis is not a complicated pharmaceutical product; it is a plant that, like a tomato plant, will thrive with appropriate care. While the cultivation of cannabis requires time, resources, and skill, cannabis is

still relatively easy to grow. In fact, people have been successfully cultivating cannabis for therapeutic use for thousands of years.

Personal cultivation policies allow knowledgeable patients to select cannabis strains that meet their needs and guarantees reliable, affordable, and consistent access to cannabis, especially for patients in rural communities or locales without a dispensing center nearby.

Restricting patients to a centralized supply with high overhead costs, increases the price of medical cannabis and makes it unaffordable for many patients. Patient cultivation ensures prices will be kept low by increasing the options available to patients, which in turn leads to fair and competitive pricing in the medical cannabis market. For these reasons I believe the medical cannabis program needs to be protected as the recreational cannabis program is being fleshed out.

I sincerely believe that, if Question 1 had been more concise and clearly legalized cannabis instead of hyper-regulated it, the measure would have passed by a landslide. Many of the people voting against the measure believe in legalization, but felt that as it was presented, it just doesn't go far enough to ensure an equal footing for all Mainers in the industry. Current wording limits participation, making a fortunate few able to enter the market while the majority sit on the sideline.

If cannabis were allowed in a free market, just like tomatoes, those that grew the best product would rule the market, not those with the deepest pockets. As with local food producers, more people growing equals more people contributing to the states coffers. This puts more money in the hands of Maine residents as well, which will result in more spending creating a ripple effect on Maine's economy.

Moving forward with this legislation, I implore you to you keep the best interests of Maine residents at heart. Protect patients rights and allow all Mainers who want to participate in this cutting edge industry a chance to do so without having to navigate convoluted and costly waters.

Respectfully,



Jeffrey Walls

Stockton Springs, Me.

Langlin, Steven

From: derek barnett <derekbarnett51@gmail.com>
Sent: Tuesday, February 28, 2017 10:15 AM
To: Langlin, Steven
Cc: MMCmaine@gmail.com
Subject: Maine medical marijuana testimony

Good morning,

I'd like to take a minute to advocate for the separation of recreational marijuana and the long standing Maine medical marijuana program. I've been a caregiver for 2 years now and the impact that the medicine has on the people I provide for has been overwhelmingly positive. The independence that the medical program allows between the caregiver and patient is unparalleled, the simple fact is some of my patients are unable to travel to a dispensary and the delivery service that I and many other caregivers provide for our patients is unique. I don't feel that the new recreational laws will make the medicine anymore available for my patients or others then the medical program currently offers. In conclusion several states which have legalized recreational marijuana have kept there medical programs open and separate, taxed and legislated differently. I see know reason why Maine should proceed differently. Thanks for your time, any questions feel free to email.

Mmmp caregiver
Derek Barnett

Langlin, Steven

From: steric@tds.net
Sent: Monday, February 27, 2017 11:13 AM
To: Langlin, Steven
Cc: MMCmaine@gmail.com
Subject: Maine's Medical Marijuana Program - written testimony for MLI legislative committee

Dear Mr. Langlin:

This email is in lieu of the oral testimony I would give to the "Marijuana Legalization Implementation" legislative committee if I were able to appear tomorrow, February 28th.

TESTIMONY FOLLOWS:

In most jurisdictions implementing "recreational" marijuana there have been resultant adverse effects upon medical marijuana programs pre-existing in those jurisdictions. Some of these effects can be attributed to the tax profit model the respective jurisdictions have implemented with respect to recreational marijuana. In other words, the medical marijuana programs start to be viewed as government revenue generators. Other negative effects can be attributed to the political influence of business entities who perceive medical marijuana programs as a competitor to their prospective business profits. Other effects can be attributed to the efficiency model of government, in which it is attractive to establish regulatory efficiencies in regulating both medical and recreational programs with shared personnel and administrative resources. And last, one must consider federal enforcement issues which may arise concerning implementation of recreational marijuana use, in which state medical marijuana programs that have existed for years may be subjected to highly increased scrutiny by the US Justice Department and US Attorneys, scrutiny that could be very costly for state jurisdictions.

Medical marijuana does not exist in the same realm as recreational marijuana.

Although large corporate interests succeeded in classifying marijuana as a Class I drug here in the US in the last century, and were successful in banning its medical use for many decades, in many other sovereignties medical marijuana has been widely employed and has enjoyed the benefit of substantial research establishing the validity of medical use. Great Britain and Israel have been in the forefront of this research which has clearly established that cannabinoids in their natural state treat the causation of many diseases and disorders. For more than five years this research has been readily available to the public, but rarely referred to in the mass media.

The British Journal of Pharmacology dedicated a themed issue in August 2011 to the employment of cannabinoids in biology and medicine. For those who may be cynics and doubters concerning the effective use of marijuana in medicine I am appending a link to the articles abstract for the referenced journal issue:

<http://onlinelibrary.wiley.com/doi/10.1111/bph.2011.163.issue-7/issuetoc>

Although these articles are highly technical, it is clear from their analysis and observations, and conclusions drawn from them, that there is a vast body of valid peer reviewed research establishing the validity of medical use of marijuana. Subsequent to the issuance of this dedicated issue of a respected scientific journal more than five years ago, a vast body of supporting research has developed. The science of cannabis treatment for disease is well established.

In the course of your deliberations regarding recreation use of marijuana, I urge you to draw a clear line between the existing medical marijuana program and any proposed recreational use and regulation. While it may be attractive to

merge certain state resources in interest of efficiency, it would have a substantive adverse effect upon our medical marijuana program.

Thank you for your consideration of these remarks.

George Fernald
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Waldoboro, Maine 04572

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(207) 832-5861

mail to: PO Box 1301
Waldoboro, ME 04572



Testimony Before the Joint Select Committee on Marijuana Legalization Implementation

February 28, 2017

Senator Katz, Representative Pierce and members of The Joint Committee on Marijuana legalization implementation my Name is Patty Hamilton, I am the Public Health director for the City of Bangor and am here to outline some public health concerns as the state begins to consider how to proceed with this initiative AND protect its citizens.

As we've seen with alcohol and tobacco, the interests of profit-driven corporations are often in conflict with the interests of public health. The volume of drug consumption doesn't depend very strongly on the total number of users; what's crucial is the amount of heavy users. One eight-joint-a-day smoker is more important to the marijuana industry than fifty people who smoke one joint a week. Marijuana related businesses have a strong incentive to create and sustain frequent and intensive use, because the heaviest users consume so much of the product. Maine should expect the industry's product design, pricing, and marketing to be devoted to creating as much heavy use as possible. Therefore it's critical to develop a public health regulatory approach to counter such tactics. Public health regulations are needed to minimize:

- Access, availability, and use by youth
- Drugged driving
- Dependence and addiction
- Consumption of unwanted contaminants and unknown potency
- Higher risk use (such as concurrent use of alcohol and marijuana)

The time to put regulations in place that protect public health and minimize negative consequences is now. Options exist at this point will no longer be possible after marijuana sales have been well-established. If we wait to put restrictions in place, or leave the industry to regulate itself, making money will dominate decisions – not preserving and protecting health and safety.

Marijuana is both intoxicating (like alcohol) and often smoked (like tobacco). An approach that combines lessons learned from alcohol and tobacco will likely be important.

It should also be noted that research is still critically needed to measure and prevent impaired driving. We currently lack a roadside test to detect impairment (like a breathalyzer for alcohol), and detection of THC in blood or urine tests may not indicate impairment. THC can be detected well outside the window of impairment, and the level of THC that indicates impairment is unknown.

In order to ensure the development of a strong regulatory public health framework, it's recommended that first an Advisory Committee be established. Memberships should consist of public health experts, and there should be no decision-making authority for the marijuana industry or vested interests.

A list of possible public health regulations can be found on the reverse side of this document. For more information please contact:

Patricia Hamilton APRN
Director, City Of Bangor Public Health & Community Services
patty.hamilton@bangormaine.gov
103 Texas Avenue Bangor, ME 04401/ 207-992-4550 (c)207-944-1197

Langlin, Steven

From: Peter Kaley <dragonflyorganics@aol.com>
Sent: Monday, February 27, 2017 2:37 PM
To: Langlin, Steven; MMCmaine@gmail.com
Subject: Impact of legalization on medical marijuana patients

Dear Steven Langlin,

I am writing to share with you my experience as a Maine medical marijuana patient and caregiver. I would like to express my fear that the legalization process could have a negative impact on the medical marijuana program. This could affect the continued access to High Quality, Safe, and Affordable cannabis products to the people who need them the most: the medical marijuana patients of Maine.

My own experience with the therapeutic effects of medical marijuana products has been incredible! The experience has been equally amazing for many of my patients. The products I am referring to go way beyond the smokable product to include: tinctures, edibles, topical ointments, salves, concentrated oils, butters, and even capsules. These products have, in many cases, been created with the needs of a specific patient in mind. This is made possible by the nurturing and caring relationship that develops between patient and caregiver, a process that is often overlooked. This cooperative effort has profound influence on the health, well being, and quality of life of the patient. It is hard to imagine that this relationship could be replaced by "legalized stores" and "social clubs".

Along with the emotional effects of the patient/caregiver relationship, I must point out that there is an economic equation as well. Most often the cost of medical cannabis and cannabis products is significantly lower than similar products from a dispensary or legalized store, provided these products are even available. This would put a severe economic strain on patients who, in many cases, are struggling just to make ends meet and survive.

The Big Business legalization model used by most states has been promoted by certain individuals and organizations for purely economic reasons. This has severely altered and even eliminated the medical marijuana programs in those states. I worry that this could be the legalization model adopted in Maine.

I believe it should be the duty of the Maine legislature to protect the medical marijuana program from the overreach of legalization. The result of this would be the continuation of a program that has had a profound effect on improving the health, well being, and overall quality of life of thousands of people in the state of Maine.

Sincerely,
JM "Pete" Kaley
dragonflyorganics@aol.com

Langlin, Steven

From: Godo, Jennah <jgodo@midcoasthealth.com>
Sent: Monday, February 27, 2017 12:17 PM
To: Katz, Roger; Pierce, Teresa; Langlin, Steven
Cc: Godo, Jennah
Subject: Marijuana Legalization Implementation Committee
Attachments: MJ Policy Overview for legislators.docx; Developing Public Health Regulations for Marijuana.pdf

Rep. Katz, Rep. Pierce, and Mr. Langlin,

Greetings! I am sending this regarding the opportunity to share information with the Marijuana Legalization Implementation Committee. My understanding is that this is informal and an information gathering opportunity for you all, not something that required written testimony. Since, I am unable to attend but would like to share the attached article and the summary document/gap analysis that my coalition developed since legalization and have shared locally.

Additionally, I hope that increased access to youth and perception of harm are paramount topics that are prioritized in this discussion as you all work to implement laws that protect our youth and are in the best interest of public health overall.

Thanks for your time and thoughtfulness in this process moving forward as we do know that 50% of Mainers were not in favor of this passing.

Respectfully,

Jannah

Jannah Godo, MS, PS-C
Substance Abuse Prevention Coalition Coordinator
Access Health
Mid Coast Hospital
66 Baribeau Dr, Suite 5A, Brunswick, ME 04011
373.6970 (p) / 373.4689 (f)

www.AccessHealthME.org
[www.Facebook.com/AccessHealthME](https://www.facebook.com/AccessHealthME)

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MAINE VOCALS PROPOSAL TO END CANNABIS PROHIBITION

WE, THE PEOPLE OF MAINE, REQUEST/PETITION OUR LEGISLATORS TO PLACE ON THE NEXT

BALLOT VOTE THE QUESTION OF WHETHER TO RE-LEGALIZE CANNABIS/HEMP/MARIJUANA. IF

THE LEGISLATURE REFUSES TO ACT ON THIS, THE CITIZENS WILL INITIATE A PETITION DRIVE TO COLLECT THE NECESSARY NUMBER OF SIGNATURES TO PLACE THIS ACT BEFORE THE VOTERS OF MAINE.

WE THE PEOPLE OF MAINE WANT ALL LAWS CONCERNING MARIJUANA REMOVED FROM THE CURRENT LAWS AND REGULATIONS, WITH THIS PROPOSAL REPLACING ANY CURRENT LEGISLATION AND THE WORD MARIJUANA REMOVED FROM TITLE 17-A.

ALL PRISONERS WHO ARE INCARCERATED FOR MARIJUANA-RELATED CRIMES ONLY ARE TO BE RELEASED UPON PASSAGE OF THIS PROVISION AND SET UP A SYSTEM FOR ALL CITIZENS TO FILE FOR WIPING THEIR RECORDS CLEAN OR RECORDS EXPUNGED FOR MARIJUANA-RELATED CRIMES ONLY.

DESIGNATE AN AGE LIMIT OF 19 YRS OLD TO POSSESS/GROW/USE MARIJUANA. NO CRIME FOR UNDER AGE USE BUT AUTHORITIES SHALL BRING YOUTH HOME TO PARENTS AND MAKE THEM AWARE OF THE PROBLEM FOR REMEDY.

NO RESTRICTIONS AS TO WHO CAN GROW OR HOW MUCH. HEMP IS INCLUDED AND SHALL BE ENCOURAGED BY THE AGRICULTURAL DEPT. AND EXPADITED FOR FARMERS.

STATE MUST PRODUCE TESTS TO CONCLUDE ACTUAL IMPAIRMENT FOR DRIVING OFFENSES THAT ARE NOT SUBJECT TO HUMAN ERROR OR CONCLUSIONS.

SET UP A COMMITTEE FOR THE REGULATIONS WHICH SHALL INCLUDE 50% CITIZEN ACTIVISTS. ANY ADDED REGULATIONS SHALL BE BASED ON SCIENCE AND RESEARCH, FACT, NOT HEARSAY

EXISTING MEDICAL LAW IS NOT AFFECTED AS FOR CAREGIVERS AND DISPENSARIES.

CANNABIS/MARIJUANA IS DEFINED AS A MEDICINAL HERB FOR ALL PEOPLE. MEDICAL LAW IS

NEEDED TO PRESERVE DOCTOR/PATIENT CONFIDENTIALITY AND MUST BE KEPT.

TAX SHALL BE AT LEAST 1% LESS THAN ALCOHOL, BECAUSE IT IS SAFER, WITH NO TAX ON

MEDICAL USES. REGULATIONS TO BE FORTHCOMING FROM COMMITTEE TO BE PASSED BY LEGISLATURE.

FREE MARKET SHALL DICTATE PRICE OF PRODUCTS, NO MANDATORY PRICING.
PUBLIC USE LIMITED, BUT SIMILAR TO ALCOHOL AND TOBACCO. COFFEE
HOUSES + CLUBS PERMITTED, NO LIMITING OR RESTRICTIONS.

THERE SHALL BE A NON-DISCRIMINATION CLAUSE FOR ALL EMPLOYMENT,
DHHS, SCHOOLS + SERVICES PUBLIC OR PRIVATE.

STATE SHALL RESEARCH AND PRODUCE EDUCATIONAL PAMPHETS TO
RE-EDUCATE THE PUBIC TO THE FACTS ABOUT THIS PLANT AND IT'S POTENTIAL.
THIS SHALL INCLUDE THE TRUTH AND FACTS
ABOUT HOW PROHIBITION STARTED AND WHY, WITH AN ADMISSION THAT THIS
LAW WAS A
MISTAKE AND SHOULD NEVER HAVE BEEN ENACTED. SO SAY THE PEOPE OF
MAINE.

OUR STATE MOTTO IS DIRIGO, AND IT IS TIME TO DO SO.

Langlin, Steven

From: Mary Jane <mainemaryjane@yahoo.com>
Sent: Saturday, February 25, 2017 2:37 AM
To: Langlin, Steven
Cc: MMCmaine@gmail.com
Subject: Where did the MMMP go?

Steven, I moved to this State to get the State's right to use an agricultural medicine in my pain relief regimen. I have in this State always held a prescription for or a card for medicinal use of this herb, as it has indeed helped a very hurt 59 y/o lady. Now, you take our card away. You take away those who wanted to help us. WHAT IS TO HAPPEN TO US? Get absorbed by the influx of all those in want. STEVE, where did the ones in NEED go? I am feeling we got thrown under the bus, by you and all yours, who were thinking of you and \$, NOT THOSE IN NEED. I haven't heard anything about us since # 1 went on ballot. Why don't we rate our cards this year? WITH our MMMP cards we could travel to reciprocal states. WHY DID WE LOSE OUR MEDICAL RIGHTS for others to gain their right? I WANT TO BE KNOWN AS AN MMMP, WHY ARE YOU TAKING OUR RIGHTS AWAY? What gives you that right?

What about letting the ones who want, pay for our needs as well as their desires?

Sincerely,

Mainemaryjane

since 2006

Sent from Yahoo Mail on Android

Langlin, Steven

From: John Krueger <jkrueg1@gmail.com>
Sent: Saturday, February 25, 2017 9:20 AM
To: Langlin, Steven
Cc: MMCmaine@gmail.com; service@maine-mmj.com
Subject: Marijuana Legalization Implementation

Thank you for requesting information from patients and supporters of current Maine Medical Marijuana regulations. I have been certified as a Medical Marijuana patient for many years and this program has provided me significant relief from a motorcycle accident. In addition, I am a Maine Organic Farmer and Grower Association (MOFGA) board member that supports the need to provide certified Clean Cannabis to Maine patients.

To me, the current Maine Medical Marijuana program provides unique access to personalized physicians and caregivers. Caregivers and growers under the current rules provide access to cannabis strains that are tailored to my specific needs. The cannabis is identified not so much by the % THC, but by fuller identification of the cannabis strains, how the product was grown, how the product should be best delivered (oils, edibles, etc), and anticipated affects. Multiple combinations of cannabinoids, terpenes etc associated with specific cannabis strains can have very different outcomes to patients. Many of the caregivers provide exacting details of the cannabis product, often with an analytical testing result as well. The caregivers that I have worked with treat me respectfully as a patient, not just a paying client, and offer support before and after the visit. I am deeply concerned that a dilution of this program might lead to an industry more similar to that of tobacco, complete with misinformation about the constituents of the product, lack of personalized attention, and a profit only mentality.

Thanks again for taking time to hear from me. I am anxious to elaborate on my story and can be contacted as below:

John Krueger
291 Rocky Road
Northport, Maine 04849
207-338-8676 (h)
207-322-6297 (c)

Langlin, Steven

From: Michael P <Somekindofpowers@hotmail.com>
Sent: Sunday, February 26, 2017 4:40 PM
To: Langlin, Steven
Subject: Public Comment Regarding Marijuana Legislation Implimentation..

To all members of the Legislative Committee,

My name is Michael Power Jr, of New Sharon, and I am both a Cannabis user by choice as well as a Medical Patient. I am writing to you in hopes that the Medical Program will never be done away with, or merged during implementation, now or later, with the oversight of the recent citizens initiative for what is considered 'Legalization'. Please allow me to explain my stance.

Just for clarity, and for you to gauge the weight of my opinion, my condition is that of such: I have FSH Muscular Dystrophy, and am now in my mid thirties. I am almost six and a half feet tall but weigh a frail 120 lbs. A clear decision to use Cannabis, is for appetite stimulation. Especially as time goes on, and the muscles that dictate my ability to swallow can inhibit my ability to eat. Overall chronic pain, associated with symptoms like Scoliosis and the exhaustion of irregular sleep. I take no pharmaceuticals because of their invasive nature to deteriorate ones digestive system, be truly addictive, and sap energy and balance from an already struggling physiological system. Even my specialist has condoned my Cannabis usage because of my still, surprisingly, greater level of functionality under this regime. Provinding an improved quality of life. I found out, long before I even had medicinal access, what works best.

However, there is a profound difference between how we socially acknowledge and distinguish, that of Medicinal use and it's now counter part being that of Recreational. Most of all, from a judicial standpoint. There needs to always be a seperate system to support those who truly need safe access to this plant and it's derivatives. I do not even smoke, have always been against Tobacco use, and stopped drinking years ago. That is, I stopped drinking once I had true legal access to Cannabis under the MMMP. I stopped the inhalation of combustibile Cannabis flowers, once I had medicinal access that I moved to Maine for. Not solely moved here for, but the MMMP has always been uncontested for quality government and public support than elsewhere. I implore this committee to forever remember the nature of what this Medical program serves. That of deterring otherwise harmful behavior through limited access. We see that positive effect, immensely, in the battle against opiod addiction. This also brings up a rather critical point, beyond just considering someone like myself.

There is an undeniable demographic, should the MMMP ever be done away with (for any reason), that would be profoundly affected by the potential shadowing of the Medicinal laws by this new march for adult use. That would be those of the Pediatric patients, who are not considered entitled simply due to their age. Not under the stipulations of Question One anyways. I myself have close enough ties to such people who directly represent these vulnerable individuals. I say that they are even more vulnerable than myself. I would never want to take them for granted just because I am over the age of 21, and now otherwise have some means of access, no matter what.

Finally, my case in point, regarding why both myself and said others need all of you to keep in mind why the MMMP program exists and needs to be maintained seperately.

This last point pertains to the legalities surrounding how these systems are governed, beyond how we merely view the two from a social perspective. For example, and being the best example: Should the MMMP ever be done away with, or merged, then the parents of those children would be criminalized not for their own use, if

they even do, but for maintaining the quality of life to their kids. Something that they are currently protected for under the MMMP. As for myself, again, I hold that at even greater priority and value than my own situation. Though, nevertheless, I am not inclined to think that the Bureau of Alcohol knows how to look at my use as a patient, let alone the plant itself. Same as any Law Enforcement agency, whom have considerable catching up to do if they were to have potential oversight over that of my access and medicinal use. Same as these kids, I am a patient and only considered 'recreational' in the sense that I choose the safer alternative to maintain my own health. Likewise, as the parents of these underage patients practice the same judgement with successful result. I believe that we should expand access, strictly because this plant is proven to be the safer choice. This is a long standing program in Maine, a good program, and not something to be taken lightly. To shift the mindset to a dominant view as 'Recreation' over 'Medicine', that would set our State back over nearly the past decade with respect to what has been accomplished.

Please keep the MMMP seperate, and protected, from the implementation of Question One.

I am sure that my expression here will be taken to heart, as I am sure that this is no small topic either, for all of you representitves of the people of this great State. I appreciate your time. My best of wishes, and thank you.

Regards,
Michael Power Jr

Langlin, Steven

From: Arthur Spencer <loononlake54@yahoo.com>
Sent: Sunday, February 26, 2017 3:15 PM
To: Langlin, Steven
Cc: Artie
Subject: Caregiver concern

To whom it may concern:

My name is Arthur Spencer. I have just became a caregiver and I'm in a hopeful to become in a position to help the medical field in assisting patients in need of medical marijuana. I hear from many people stating that their doctor has recommended medical marijuana for them so there is a growing need for our medicine. I also feel it would help support me in this growing economy at my age of 63, it will assist me making ends meet.
Sent from my iPad.

Thank you for listening to my concern
Arthur Spencer
91 grasshopper rd
Readfield Maine. 04355

Langlin, Steven

From: Robert Stuart <stuart1190@roadrunner.com>
Sent: Monday, February 27, 2017 1:11 PM
To: Langlin, Steven
Subject: Cannabis legalization Hearings

Greetings,

Please remember that all those un-constitutional laws against this most useful and totally non-toxic herb and vegetable were constructive frauds that totally lacked the slightest justification in history, medicine or real life.

Drug war against plants is counterproductive in every way.

Thanks and Best Wishes

Author: Scott Ring

February 27, 2017

Harpswell, ME

scotty.ring@gmail.com

Some Considerations before Undertaking Implementation

Senator Katz, Representative Pierce and distinguished members of the Committee for Marijuana Legalization Implementation, I would like to share some concerns, as a Citizen and Patient under the Maine MMMP program, before pursuing the task of implementing this law.

I am concerned that some lawmakers may want to reconcile both programs (Medical and Adult Use) into one shared framework, under one roof, and in doing so; sunset the Medical Cannabis Program in Maine.

To be brief, there are several reasons to keep both programs separate and intact; but there are two Major Reasons.

1) Reasoning for each Program is completely separate in scope.

Maine has long had an operational program in which residents, having a valid recommendation from their physician, are legally allowed to use Cannabis Therapy in a variety of forms to treat a relatively wide range of conditions naturally. This was the intended scope and purpose of the Medical Marijuana program. These medical patients have an age range that is outside of the scope of the Adult Use market in that many patients are under the age of 21. The Adult Use program contains no language which protects these patients, and therefore would put those under the age of 21 in the position where they have to choose whether to break the law or gain effective treatment as a criminal.

Recently, Maine voters recognized and voted in, by Citizens Initiative, the right to establish a new market in which Adults can Grow, Purchase and consume Cannabis; primarily for its relaxing and psychoactive effects, in a similar manner to which alcohol is consumed by adults.

2) Scientific and business knowledge for each program differs completely in scope.

Adult use is primarily focused on psychoactive effects of the plants flowers. This market requires genetics and a growing skill set which will cultivate plants high in content for the cannabinoid THC. The grower would likely retain both Sativa and Indica strains which would likely be selected based on their content of THC and, due to cost of goods sold, only

the best sellers will be retained. The knowledge of effect of these strains and their effects, which are limited relative to the medical program, would be the primary focus of budtenders. Maximizing THC content and certain expression of terpenes for flavor would likely be the primary focus of the grower, and to do so in a cost-effective environment as possible.

In contrast, the medical program requires specialized knowledge which focuses on a wide variety of Cannabinoids and Terpenes, contained within the plant and their therapeutic benefit to help treat a variety of conditions. The medical program also focuses on many more modes of ingestion which would not likely be offered in an adult use setting (for example; topicals and suppositories). On the growing side, medical strains which are high in cannabinoids other than THC (Over 80 besides THC) would not likely be retained in stock for the adult use grower as they are simply not profitable. For instance, many strains which are high in CBD tend to be more like Hemp or the Sativa-L plants, which generally flower longer and require more space, both of which are not typically considered profitable to a grower due to additional lighting, nutrient and cost/ft² considerations. The medical business would also be concerned with providing a wider variety of extractions or concentrates which may or may not be allowed in the adult use market. For instance FECO oil (AKA RSO) is basically the essential oils of the plants flowers concentrated and reduced into pill form and are typically used to treat patients with Pain Management and Cancer. This concentrate can also be used in concert with other concentrates (Honey Oil) to wean patients down from Opiate addiction as recently seen in the MMMP. These are unique skill-sets which would not be profitable in the adult use market, which threatens to dissolve many established businesses that focus their efforts on treating illness and not 'getting high'.

In Summary, due to these primary factors and the clear intent of Maine's Voters; these programs should be kept separate. Combining certain forces with respect to governance, regulation and compliance may make sense with respect to available resources; but both programs are distinct.

Thank you,
Scott Ring

Langlin, Steven

From: The Jolly Farm <thejollyfarm@gmail.com>
Sent: Monday, February 27, 2017 8:23 AM
To: Langlin, Steven
Subject: Marijuana Legalization Implementation Committee

Committee Members,

I appreciate and acknowledge the challenging task in front of you and ask that your work efforts have no impact on Maine's successful and regulated Medical Marijuana Program. Medical and recreational marijuana are distinct and separate issues because of the Rohrabacher-Farr Amendment, a law that directs the federal government to respect state medical marijuana laws. There is no analogous protection provided for recreation marijuana.

Maine's Medical Marijuana Program is one of the most successful in the country. The Program is 18 years old and recent polls indicate that it has an over 80% approval rate. Medical marijuana enjoys a high level of social acceptance and has a wide voter approval rate.

The Medical Marijuana Program is one of the few state programs that funds its self. It generates millions of dollars of income for the state through licensing fees, patient fees and sales taxes.

There are now 51,324 patients participating, 8 large dispensaries and 3,244 caregivers. The industry employs thousands of small farmers and it supports thousands of one-off small businesses. The program is an economic driver in Maine and it provides a unique specialized service

The Medical Use of Marijuana Program is heavily regulated and overseen by the state Department of Health and Human Services. Caregivers must register with the state, pay sales tax, get pesticide handler licenses and stay up to date with regulations.

This successful and profitable state program has wide acceptance in the general population. It is sustainable and it generates revenue. Maine's Medical Marijuana Program is state regulated and well-established. It should not be compromised.

Maureen McKerns

Caregiver Hancock County, Maine

thejollyfarm@gmail.com

207-412-8193

Langlin, Steven

From: Harvey, Rebecca
Sent: Thursday, February 09, 2017 9:53 AM
To: Langlin, Steven
Subject: Fwd: Letter for Monday 2/13/17 Medical MJ

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Steve, I think this may be for your Committee.

Get [Outlook for Android](#)

----- Forwarded message -----

From: "Sherry Bachelder" <SherryBachelder@hotmail.com>
Date: Wed, Feb 8, 2017 at 6:29 PM -0500
Subject: Letter for Monday 2/13/17 Medical MJ
To: "Rebecca.Harvey@Legislature.Maine.gov" <Rebecca.Harvey@Legislature.Maine.gov>

Hello, my Name is **Sherry Bachelder**. I am the owner of Harvest Moon Medicinal Gardens LLC. I am going to hire my first employee in late February and he needs to make sure that his family can be supported also.

Recreational and medical marijuana are two completely separate things. Just like any pharmaceutical drug that can produce a euphoric effect, cannabis can be used to treat many chronic ailments, or to relax recreationally. The compounds used to treat chronic pain and other conditions such as cancers won't be available in the recreational market. The compounds needed to treat conditions such as my chronic back pain and insomnia will not be available to me if the medical program goes away. I was born with Noonan syndrome; I was diagnosed by age 24 with osteoporosis and have had chronic pain since my early 20s. This is why it is crucially important to maintain and improve our medical marijuana program here in Maine. I never thought I would ever use Cannabis but it has been a life line for me. Before starting treatment with cannabis, I was in pain 24/7. I was not sleeping for more than 3 hours at a time. Now that I have been a patient for many years, I can finally deal with my pain using a variety of my products, and I am able to sleep and be a more productive member of society.

Some of the most effective medicines we have produced in my years as a caregiver would never be produced for a recreational market. Meds higher in CBD and lower in THC that doesn't produce a euphoric effect, or low yielding plants that have great medical benefits won't be used. Recreational plants only have one desired feature which is only the euphoric effect. Many Mainers that are very sick need the very best concentrated form of THC such as FECO, ROS, or Shatter. To make those forms of concentrates you need high quality cannabis in large amount to make great medicine for people. The recreational market will only be concerned

with quantity and not quality. The most effective medicines and best varieties have come from our local caregivers.

Maine's medical marijuana caregivers have an amazing track record for producing medicines for a wide variety of chronic conditions and pain management. Over the past seven years, caregivers in Maine have worked as a community to create a great medical marijuana program that is the best in the country! It would be a shame to dismantle a program with such an amazing track record and self-regulated, for an over produced, high priced recreational market full of regulations and oversight.

Above all the number one reason we must keep, expand and improve our medical marijuana program is for our seriously ill Children. To remove the medical program is to remove all rights for minors to be treated with cannabis. We simply cannot take away the progress these children have made nor make criminals of their families if they choose to continue to successfully treat their sick children.

While I acknowledge the cost of implementing recreational marijuana in Maine will come with a very high price tag, I am confident the future revenues will make the investment in our future well worthwhile. The history is here the medical program is profitable - caregivers pay sales tax and contribute to the local economy. Dismantling a profit producing program because we are facing startup costs on a new program is simply counterproductive. Please let keep the money from our medical program in the right hand of DHHS. We don't want it used to support the recreational program.

I am looking forward to the future of our wonderful medical marijuana program which has helped heal myself and thousands of others. The revenue generated by both programs will be a win for the state of Maine. The right to choose cannabis as a medicine and a recreational alternative is a win for all of us in Maine.

Sincerely,

Sherry Bachelder

Langlin, Steven

From: m Smolin <dr.mms@aol.com>
Sent: Thursday, February 23, 2017 10:06 AM
To: Langlin, Steven
Subject: Public Forum - Joint Select Committee on Marijuana Legalization Implementation

Dr. Marcia Smolin D.O., MPH
455 Flanders Corner Rd
North Waldoboro, ME 04572
Feb. 17, 2017

Senator Roger Katz
100 State House Station
Augusta, Maine 04330

RE: The Standing Committee on Marijuana Legalization Implementation

Honorable Senator Roger Katz,

I am a board-certified Psychiatrist licensed in the State of Maine with 20+ years of experience. I am very concerned about the impact of the legalization of marijuana on the welfare of our children. I am writing to your committee with hopes I can impress upon you the need to distance our children from commercial marijuana operations which will seek to influence them to use this dangerous mind altering drug.

Research has shown that children's brains are more susceptible to marijuana than adults due to the ongoing restructuring of the brain until at least the age of 21. Current research has shown the significant impact marijuana has on the immature brain with impairments in memory, cognition, learning, judgement, coordination, and sleep. Children using marijuana have a higher risk of developing psychiatric disorders such as anxiety, depression, Schizophrenia and attempted suicides. In addition, they have an increased risk of developing dependence and addiction to marijuana and have a higher likelihood of using other drugs. This leads to poorer educational outcomes, career achievements and social success.

Unfortunately, many people are poorly educated about the adverse impact of marijuana. Some may accept that children are vulnerable but they reject the notion that significant similar detrimental effects apply to adults. Besides the poorer career achievements and social success, marijuana also increases adults and adolescent likelihood for causing fatal driving accidents due to impaired attention, judgement, and coordination. Combine this with alcohol (which is very frequent) and you have an even more lethal driving outcome.

Of also major concern is the significant increase in Marijuana edibles (gummy bears, brownies, etc.) which are particularly attractive to our youth.

I would implore the committee to prevent commercial marijuana operations to be located within a mile of a school, day care facility, recreational park, church, hospital, bar/restaurants serving alcohol, and family gathering places. I would also recommend replacing the term Recreational Marijuana with the term Adult Use Marijuana which makes it clear this is for adult use only. In addition, requirements

need to be placed on adults to treat marijuana like tobacco, alcohol and prescription drugs. They need to keep them away from their children and certainly not be feeding them edible marijuana. I would also recommend the committee consider increasing the taxation on these commercial operations to make it more in line with the other states.

Our youth is at extreme risk for losing their futures to mind altering drugs. Children are a very vulnerable group and it is the responsibility of adults to protect them and not exploit them.

Thank you for your time and consideration of this matter.

Sincerely,

Dr. Marcia Smolin D.O., MPH
Board Certified Psychiatrist

207-215-9001
dr.mms@aol.com

To the Select Committee for Recreational Marijuana,

Hello I am Chris Jones and I own a restaurant in Bangor and have been a caregiver going on three years now. I am planning on applying for a recreational license as I feel this is a great opportunity for myself and the state of Maine. It will bring in a lot of revenue for the state and I hope will help fund school programs like in Colorado which are always strapped with budget restrictions. As well as provide a huge boost to local municipalities and Maine business's in many various sectors. I know I have formed great relationships already with my local electricians, carpenters, and ac companies like Dave's World. A lot of money goes into correctly outfitting these operations and maintaining them and this can be a huge boost for these type of contractors and especially during the winter months which can be typically slower times.

My biggest concerns that I hope this committee can address is going to be distribution rules, lab testing, tracking, and overall language for incidents such as ER visits, operating under the influence, and others. In regards to the distribution rules it seems that BABLO is going to be in charge and I know firsthand how that can affect operating a business with a required middle man distribution service built in. If this is implemented it will be difficult I feel for a grower to be able to get a retail store product in a timely fashion. Especially during the rollout as retail stores will have no idea what demand is going to be and how much product they will need in stock. If they run low or out they will need a delivery not only that same day but within hours possibly and that would be next to impossible with a required middle man to place the order with and make the delivery. Maybe they can play some sort of role but I don't feel they should be required like beer and alcohol is now in the state.

Lab testing I think is a must and I am not opposed at all, but I was a little concerned with how it was stated in its current form on the bill. How will this work and be implemented? I know I currently test all my flower at Pro Verde labs in Portland and have been for years. And having done so I know the costs can get quite expensive very fast. Will it be required that every plant of every strain be tested in a harvest for Cannabinoids, terpenes, Voc, pesticides, molds and mildews? Or just one plant per strain from each harvest. For example a grower might have 4 different strains in a grow totaling say 40 plants. ten from each strain. If one plant of each strain had to be tested and do all 4 or 5 tests then the costs per test are around \$40 each depending on what lab is used. This would be about \$200 per plant of each strain and \$800 to \$1,000 for the four different strains. If all 40 plants had to be tested that would be a huge cost of \$3,200 to \$4,000. As you can see this would get very expensive very fast depending on the number of plants and strains being grown, which is why I feel one plant per strain in a grow room would more than suffice to give accurate information and tracking of this critical information to the retail store and ultimately the customer without making prices to astronomical for Maine people.

The seed to sale tracking is also going to be interesting and I hope time is spent understanding the logistics and man hours that will be spent not only by the grower but also by the retail store owner and employees to implement this type of system.

Finally this may not even be something the committee will have any such dealings with, but the language used for tracking data in the state once the recreational stores open I think is important so that data isn't skewed to make it look like incidents appear to have increased like traffic accidents and ER visits and such. As cannabinoids can stay in the system for far longer periods than say alcohol and therefore studies and data tracking can be skewed very easily to make it look worse or appear worse than it actually is and may of had no impact on an incident what so ever. Also coding for hospitals should be looked at to reflect what may or may not of been a marijuana related incident.

Having a clear idea with these aspects as well as the many others that will be implemented will give myself and others an idea of how the landscape will unfold and what will be expected to meet the criteria to grow and sell recreational marijuana safely and responsibly. I know I am excited to see how all the laws end up so I can finalize my expansion plans and replicate what I am already doing. Being in a commercially zoned area and being under a lease and having code enforcement into my building to inspect has already helped be in compliance on a commercial based business. I have had real bills and paid sales tax and filed my taxes under this entity and made it work. I am excited at the opportunity to employ more great Maine people beyond the 32 I already employ at my restaurant, and work with all Maine companies to manufacture and grow this wonderful plant. Working with local contractors and companies has always been a main focus for my business plans and I intend to continue that trend in this new sector. Keeping Maine growing and prospering and keeping the monies local and tax dollars staying in the state.

Overall I feel this committee will look at all these and more aspects of regulating and running this recreational law in a very responsible manner, but my hopes is that you all look at this as a great opportunity for Maine and its people as they get their fair chance to make viable business's in our small towns and communities that are in dire need of a lift. As you all know firsthand the jobs and young people have left this state in growing numbers and this gives us a real chance to keep our young people here and bring other well educated Mainer's back and get them into great paying jobs and make a lot of new small business owners which are the back bone to a growing economy. I look forward to following your progress in this huge endeavor and hope to help in any way possible and that I get an opportunity in this market as well. Thank you.

My name is Joseph Merkel. I have been coming to Maine since 1988, upon purchasing a piece of land on a small pond in Down-East Maine. I've been a resident of Maine since 2011, and now full time this past summer.

I would like to share a true story of mine and thoughts on the ballot this past Nov. 8th election, Question 1: Citizen's Initiative, An act to legalize marijuana.

Last June, while I was visiting my son in Denver Colorado I had a profound experience. I am a medical marijuana patient of Maine for 3-years, suffering from migraines. Because of this, I have experience with the side effects and feeling being under the influence of marijuana.

I was having a couple of bad migraines and ran out of my medication of Zomig. I alternate medical marijuana with this so to keep the regular meds. working better. Since marijuana was legal in Colorado, I decided to go to a retail marijuana store. There was over 100 in Denver alone. Since I didn't have a medical marijuana card for Colorado, only for Maine, I couldn't purchase the medical marijuana.

Well, Then I would have to try the recreational marijuana, how much different could it be.

So I purchased a small container of edible hard candies, went home and took 2 - of the pot candies at 10:00 p.m. and waited. Two hours later I didn't feel the effects much, the migraine was still there. I then took 2 - more of the pot candies and went back to sleep.

I was supposed to drive my wife and B to the Denver airport to catch a flight to Maine that morning. I felt dizzy when I awoke, and going downstairs. The owners of the B+B asked if I would like a cup of tea or coffee. I thought a cup of tea might make me feel better. While standing there, feeling strange still, all of a sudden I didn't know what happened. When I awoke, there were 3 - emergency technicians by my side. I was lying there on the floor, unable to get up! I didn't remember or know how I got there.

They then talked to me, placed me on a gurney and into a waiting ambulance. Off to the hospital, I couldn't believe what was happening to me!

They performed tests on me to check my heart, brain, etc. I told them what I had taken the night before, edible POT candies. By 12:00 noon I was released from the hospital, once I showed them that I could walk a straight line.

It was almost 12 hours since taking the POT candies till I was able to function normally, a frightening thought!

Just imagine if I got into the car as planned and drove to the airport. I could have passed out while driving, causing injury or worse death to myself, wife or other innocent people.

This event has had a lasting and profound influence on me. This shows the extreme dangers of Legal Marijuana. If this result could happen to me, with 3 years of using medical marijuana, with much lower levels of THC, what could happen to the average person, first trying to use recreational marijuana?

When I arrived home I received a bill from the hospital for over \$5,000! Note, no where on the discharge paper or records did it show that POT was the reason I ended up there.

Let's look at some problems Colorado is facing since the legalization of marijuana in 2014.

- 25-40% of DWI-arrests involve POT
- POT related traffic deaths increased by 92% from 2010 - 2014
- Illegal movements of vast amounts of POT + POT products into neighboring states (no border checkpoints) Nebraska and Oklahoma filed lawsuits against Colorado.
- Increase POT use among teens - 56% above national average, ranking 3rd highest in the nation.
- spike in "edible" related emergency room visits
- Increase of teen drug related school expulsions due to POT
- Legal marijuana has caused an increased demand on public and social services, the homeless population exploded. The people visiting and moving to Colorado just for legal marijuana arrive with no job or support network. Instead now rely on state welfare, food stamps and food banks.
- Black market for POT is expanding, there's selling for less, no tax or mark-up
- U.S. postal service has seen a 2,000% increase from 2010 - 2014 in packages containing POT sent out of state + country

- Illegal growers are popping up everywhere, even in State and federal forests
- ENVIRONMENTAL ISSUES: The POT growers of Colorado consume as much power as 35,000 households, what a waste of energy, just to get HIGH
- There are now more legal medical and recreational POT stores in CO. Than there are "Starbucks" + "McDonalds"

Do we really need these problems in the STATE of MAINE?

This past Nov. 8th, Maine had 5 citizens initiatives, the first being Question #1 "An Act To Legalize Marijuana, one short paragraph on the ballot. Be what Chapter 417 really was, 30 pages long! One would need legal skills to totally understand all of it.

Here are just some of the BIG problems with this question #1. First, as a business model, its success is based on the following. The companies have to advertise to people who never tried POT and encourage and entice them to try it. And then to the users all ready to use more and try different strains etc. This is still an addicting schedule I drug, why are all the people using POT, still using?

This industry doesn't produce a useful product, just a vice, another way to get people high, stoned and addicted! While under the influence, one cannot really do work effectively or drive safely.

Another important issue is with the social clubs. This part of the Question #1 was not on the ballot question, misleading lots of the voters. No other states allow this aspect of legalization. Just imagine every night these social clubs are open, thousands of people from out of state and in state will be getting high and stoned!

Then will be driving home! The police have no reliable testing equipment to measure the amount of THC in the blood. This will create an extremely dangerous situation for accidents to happen. What price tag can one put on the lives lost?

Another point is where did the 61,123 signatures to put Question #1 on the ballot come from. They mostly came from District #1. The Law should be changed to have equal # of signatures from District #1 and #2 for equal representation.

Also Large amounts of "Dark money" comes from out of state sources like Marijuana Policy Project, D.C. based New Approach PAC, Progressive Insurance chairman Peter Lewis, Rick Steves (PBS) host and others raised 3.2 million dollars to support YES on 1

The opposition to #1 raised only \$230,000 mostly from Alliance For Healthy Marijuana Policy. This is so unfair, having so much money from out of state, influencing the people of Maine. All this money buys slick TV and print ads which were distorting the truth.

A person over 21 years old can possess 2 1/2 oz. of 70 grams of marijuana. This is equal to 150 joints, enough to get high for weeks - BUT actually that person can buy 2 1/2 oz each day from that store and from other stores. This is way more than just personal use! Also each adult can possess 6-Flowering pot plants, 12-immature plants and unlimited seedling. and can possess all the pot produced. I can't even figure how many pounds of pot this would equal. Do we really need this much pot for everyone. How can one safeguard (reasonable precautions) all this Marijuana? No fines for not safeguarding, and how many additional Police to monitor all this activity?

Teenagers will easily be able to get access to all these Pot plants.

A very Troubling thought are the edibles. These will be available in all the retail marijuana stores. They'll have cookies, brownies, candy and soda, all infused with Pot and THC. Once unwrapped they could blend with other foods.

The parents and friends will be trying these forms, and smoking and vaping the buds, getting high and acting silly. The kids will see this and be saying, if it's good for them, then why not try it. There will be no way to keep this massive amount of enticing edibles out of the hands of our children, and young adults. Also there will be easily brought to school in their lunch boxes.

I'm just able to touch on a few conditions of this 30 page Act. It would most likely take me 20 pages more to address all the issues with this document.

One more note about eating marijuana products. When one ingests cannabis, it goes into the intestines, then passes through the liver. The liver processes THC into a byproduct called 11-hydroxy-THC, which then travels to the bloodstream and into the brain. This compound is thought to be four to five times more potent than regular THC. Edibles are more potent than inhaled cannabis.

Do we really want or need all this marijuana in Maine, our beautiful state?

They plan to have almost a million square feet of plant canopy. With the possibility of a retail and social club in every town.

They will be producing enough marijuana for every man - women and child to be high every day, all year long. And further there will still be enough that will be driven out of the state. This pot will supply New Hampshire, Vermont, Conn. and New York with black market pot.

Let's look at the new addictions that will happen. These will first come from the younger than 21 year old. This will be the next cool in thing to do. The infused pot edibles will be so easy to get and use, no smell of pot smoke. If these teens enjoy the feeling or are now accepted by their peers, they will continue to use pot. It will affect their mental development, that's been proven by lots of sources. Their academic work will suffer, and possible future mental growth.

Now for the adults. Sure they are over 21, never thought of using pot. But now almost every town in Maine could have a retail store or social club. With slick

advertising and promotion, in a matter of time they will probably try it. They might like the effects, get addicted or just keep using the pot. If they happen to be in a job not paying so well, they could have a problem.

Pot is not cheap, 2 1/2 oz. or 70 grams (unit usually 500mg) @ a minimum of \$10.00/gram = \$700 just to get high, thats a lot of money!

Now we'll have Alcohol, Lotto and marijuans all draining money from their income. This income is needed to pay for food, housing, clothes, education, medical, transportation, vacations and saving for the future.

A final thought, how can we justify this product? When the results can be so devastating, to our teen-ages and young adults. The known fact that there will be vehicle accidents and some will result in DEATH. I feel Question #1 is acting against the Federal Law.

EACH LIFE IS PRICELESS!

Who will it be? no money can bring back a loved one

Langlin, Steven

From: Morris, Rebecca
Sent: Friday, February 17, 2017 9:51 AM
To: Legislature: Committee on Marijuana Legalization Implementation
Cc: Volk, RepAmy (FWD)
Subject: FW: Marijuana Referendum - safeguards

Good Morning,

Senator Volk asked that I pass along the below email from a constituent.

Best,
Becky

Becky Morris

Legislative Aide | Senate Republican Office
3 State House Station
Augusta, Maine 04333
Phone: 207-287-1505
Fax: 207-287-1527

Begin forwarded message:

Resent-From: <amy.volk@legislature.maine.gov>
From: J Black Printing <blackink1@bluestreakme.com>
Date: February 16, 2017 at 8:37:09 AM CST
To: "Volk, Amy" <Amy.Volk@legislature.maine.gov>, "senatorthibodeau@aol.com" <senatorthibodeau@aol.com>, "Gillway, James" <James.Gillway@legislature.maine.gov>, "Espling, Eleanor" <Ellie.Espling@legislature.maine.gov>, "Corey, Patrick" <Patrick.Corey@legislature.maine.gov>, "Guerin, Stacey" <Stacey.Guerin@legislature.maine.gov>, "Kinney, MaryAnne" <MaryAnne.Kinney@legislature.maine.gov>, "Lockman, Lawrence" <Lawrence.Lockman@legislature.maine.gov>, "Sanderson, Deborah" <Deborah.Sanderson@legislature.maine.gov>, "Stetkis, Joel" <Joel.Stetkis@legislature.maine.gov>, "Sirocki, Heather" <Heather.Sirocki@legislature.maine.gov>, "Ward, Karleton" <Karl.Ward@legislature.maine.gov>
Subject: Marijuana Referendum - safeguards

Hello to all my favorite Honorable Legislators!

I have no problem with mj being legal as such, BUT it needs age restrictions. I'm more conservative than I've heard anyone else voice.

Brain Development: Children do not gain the final step in brain development/maturity until they are about 25-26 yrs old, when they FINALLY gain the mental ability to comprehend and anticipate CONSEQUENCES for their actions. There should be an age limit on recreational use

beginning at age 26, so as to protect this final crucial part of an healthy functioning adult's brain development.

Children of all younger ages are PERMANENTLY AND NEGATIVELY AFFECTED in their brain development by marijuana. Mj should NOT BE LEGAL in homes or spaces in which a child/underage young adult is present. If carding for age limits has to happen for everyone, regardless of obvious age for liquor, then this shouldn't be a burden for sales of mj.

I am AGAINST MEDICAL RESTRICTIONS for those who are sick, including children, because one has to weigh the benefits over the costs. Involvement of a doctor, or perhaps a team of at least 2 doctors, in prescribing mj as a pain or nausea remedy for patients of all disease would be a reasonable check on this problem for children. Adults with medical needs who have children in the home, well, I don't know how to solve that legally. Perhaps demanding that patients have a locking petty cash box, or some other form of accountability to keep meds from children, whether by dispensing daily through a health care worker who kept the meds off site, or some written contract with any responsible adult who is on record with the doctor as the dispenser holding the meds off site, that police can access should any criminal distribution arise. There would need to be a sort of court judge to have a hearing process for weeding out honest mistakes when a kid accidentally gets some pot/mj vehicle vs. adults providing drugs to minors deliberately, which should be legally criminal.

I'd also like a program where anyone caught causing traffic accidents of any sort related to use of Marijuana will have to place hot orange bumperstickers/truck magnets on any vehicle they drive to warn other drivers of their problem. I think this is only fair, and they can afford to pay \$10 for a set of (4) stickers or \$50 for (4) portable magnets if they drive several cars.

We don't have to be Colorado.

Thanks!

Patty Keyes

J Black Printing

3 Black's Landing

Belfast, ME 04915

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www.jblackprinting.com

Langlin, Steven

From: Lester Page <donaId.hutchins@maine.edu>
Sent: Tuesday, February 28, 2017 2:35 PM
To: Langlin, Steven
Subject: Cannabis testimony

Hello

My name is Donald Hutchins IV, I am a senior Earth Science & Environmental Philosophy major at the University of Maine Farmington, as well as a medical cannabis patient and journalist.

I've recently written articles on the racially-founded nature of the cannabis prohibition, the widespread benefits to a cannabis-friendly society and economy, and the potential for climate change mitigation through the use of hemp-based alternatives, as well as other renewable all-natural alternatives, for petroleum, natural gas, and other pollution and carbon-emitting resources.

We have been a strong and widely successful as a medical cannabis state, with a number of patients and caregivers registered and providing state revenue. Bolstering that program, after collaborative amendments with the state, cannabis-users, and the public, can incorporate sustainable job and market opportunities for our state.

The focus of medical vs. recreation is a necessary distinction to maintain the sanctity of what we've had since the nineties, which has helped build this legalization effort. By maintaining and improving the medical cannabis program, we can secure a smooth transition from a decriminalized medicinal state to a recreational medical state.

Thank you and all the best,

Don

TESTIMONY

Marijuana Legalization Implementation Committee Public Hearing February 28, 2017

To the Members of the Committee:

Thank you for your thoughtful consideration of the implementation of the new Maine Recreational Marijuana Law.

A few items for you to consider when implementing new rules governing the Legal Sales and Use of Recreational Marijuana in Maine are:

- Not all rules governing Recreational Marijuana should automatically be applied to the Medical Marijuana Program.
- The Medical Marijuana Program, as administered and overseen by the Department of Health and Human Services already includes safeguards for both the public, and participating Patients, Caregivers and Dispensaries.
- Caregivers and Dispensaries in the MMP program who voluntarily and independently test their products have loyal Patients who realize the benefits of doing business with small, patient-centered and ethical providers who choose to voluntarily test their products.
- Creating mandatory testing for Medical Marijuana providers would be an onerous burden particularly for Caregivers, who are small businesses already struggling to comply with existing regulations.
- Creating rules regarding testing for acceptable THC levels in drivers completely disregards the medical needs for such THC in certain qualified individuals.
- Any regulations created for the governance of Recreational Marijuana should not necessarily be applied to the Medical Marijuana Program, since such regulations may be an unreasonable burden on Caregivers who already comply with the existing rules of the Program; and who work hard to provide safe, tailored treatment to those in medical need.

Thank you again for your consideration, on behalf of all citizens of Maine.

Reese

Sincerely,
Joanna

Good afternoon, I am Don Abbott and I live in Camden

My understanding of the legalized marijuana market is based on lots of conversations with my son who has established an edibles business in the State of Washington and now expanding to Oregon, California and Canada. He is a Colby graduate, has an MBA from Dartmouth and worked on Wall Street before moving to Washington, the home of his wife. His company is one of the top few in Washington today. They spend a lot of time meeting regulations at this stage of their company's development.

Because of the potential returns a lot of people are anxious to get into the business and although many have little business experience, there are a few with a depth of strong business experience and with deep pockets behind them. Hopefully our regulations will recognize the advantage of professional business practices throughout the value chain.

When you consider establishing regulations I think there are a few things to keep in mind as background to your considerations:

1. It is a fast growing business
2. It is a consumer product
3. Significant capital investment is required
4. Market structure can be complex
5. Legalization does not appear to have increased risk to public safety
6. It's tax revenues are not the silver bullet

A fast growing business

The Washington market in 2016 is estimated to have been about \$700 million, and that is up over 50% from 2015 and they've just started. Percentage of adults using cannabis in Washington and Colorado is estimated to have grown from 10% to 13%-15%.

This kind of growth is challenging for start-up companies, it is total chaos. Local regulations, zoning laws etc. make even finding a business site a difficult job, and they outgrow the site before they know it. Hiring people for the business is also a challenge, that is a lot of people and they need to be responsible people because of the nature of the business and all the regulations and safe guards companies have to maintain to assure compliance and responsibility. Washington with a population of about 7.2 million created

about 23 thousand jobs, and Colorado, population 5.5 million created about the same number of jobs in the three years since legalization. Thus, Maine proportionally could create around 5 thousand jobs after three years.

A consumer product

Buyers want to know what they're getting and they want consistency. Labeling and good packaging are essential. Labels should clearly state the level of THC and CBD as well as the normal time for the product to take effect. In the consumer industry branding provides the assurance of quality and consistence needed to win return customers. Even so, there seems to be little evidence of brand advertising in Washington. Most of the producers use outside labs to determine the level of THC and CBD in their products. Regulations should cover these aspects of the product for the producers and the labs as well.

Significant Capital

Capital investment for food grade products can be substantial and certainly as these companies compete with product quality for market share. As long as the business is not legal nationally we won't get product from other states coming to Maine but it could come in from Canada that has national legalization. I would think that we can expect a good part of the capital investment to come "from away". I don't think we should require the investor to be a Maine resident.

Market Structure complex

We could have three types of players in the Maine market: recreational marijuana and medical marijuana, and the black market both in operation today. They all play by different rules and pay different taxes. It is my experience that the Maine medical market is largely a sham although I am quick to admit that it has been a terrific help to some people. The black market is pretty irresponsible and pays no taxes. I would argue that we combine the medical category with the recreational category with the same regulations but give validated medical purchasers a tax break, and crack down on the black market.

Public safety

After three years of being legal in Washington and Colorado it is still too early to judge the effect on public safety but the early statistics are encouraging.

- Teen use is unchanged
- Marijuana arrests are way down – saving law enforcement costs
- There has been little effect on traffic fatalities from legal marijuana

Several companies are very close to bringing to the market cannabis breathalyzers and other non-invasive tests that will be useful to law enforcement.

Tax revenues

Tax revenues are increasing as expected but they are not the silver bullet. Washington had estimated state expenditures including federal funds, state funds and bond funds of \$41 billion in 2016 and they got about \$220 million in additional tax revenue from marijuana businesses. Colorado's expenditures were \$36 billion and they got an additional \$129 million from pot business. After the same time period Maine might get proportionally \$30 – 40 million in additional tax revenue that is about 0.4% of our expenditures. Of course the market is expected to increase quickly and tax revenues will rise accordingly. Maine's tax rate should be consistent with other states; we should not be greedy.

We should not reinvent the wheel and let's not over-regulate. Washington is regarded as having the best and most successful regulatory environment and we should study closely their regulations with modest changes that may be appropriate for Maine. We should also look at the Canadian regulations for ideas since we share a border.

**Comments of Julie Rabinowitz
Director of Policy, Operations and Communication**

Maine Department of Labor

Marijuana Legalization Implementation

Before The Joint Standing Committee On

Marijuana Legalization Implementation

Date of Comments: Tuesday, February 28, 2017

Senator Katz, Representative Pierce, and members of the Joint Standing Committee on Marijuana Legalization Implementation; my name is Julie Rabinowitz and I am the Director of Policy, Operations and Communication for the Maine Department of Labor (department). I respectfully provide comments on behalf of the department on the implementation of the Marijuana Legalization statute as written and passed in referendum Question 1 this past fall.

The referendum language included two specific provisions under section 2454 that relate to employment:

2. Employment policies. This chapter may not be construed to require an employer to permit or accommodate the use, consumption, possession, trade, display, transportation, sale or growing of cannabis in the workplace. This chapter does not affect the ability of employers to enact and enforce workplace policies restricting the use of marijuana by employees or to discipline employees who are under the influence of marijuana in the workplace.

3. School, employer or landlord may not discriminate. A school, employer or landlord may not refuse to enroll or employ or lease to or otherwise penalize a person 21 years of age or older solely for that person's consuming marijuana outside of the school's, employer's or landlord's property.

As written, there are several issues raised by these provisions.

First, neither provision 2 or 3 designates an agency of jurisdiction to regulate these employer-employee relationships. There is no enforcement authority, no penalty and no remedy to make the employee “whole” if a violation occurred, and no appeal rights for an employer or employee. There is no rulemaking authority granted to provide further clarification for employers and employees as we progress down the implementation road.

Second, these provisions lack critical definitions: *discriminate*, *penalize*, *workplace* and *property* stand out as essential to clarify the statute. For example, if an employee smokes marijuana in a

personal vehicle parked in the employer's parking lot, would that meet the definition of "in the workplace" under provision 2? Yet, provision 3 refers to the employer's property, which would include the parking lot. Would "otherwise penalize" include changing a worker's duty station because the worker smells like marijuana smoke at work (for example, a cashier is re-assigned to the stockroom) in cases where the employee perceives a loss of status or a lower wage when assigned to the alternative duty station?

The Department of Labor can assure you that, in our longstanding experience adjudicating and investigating workplace disputes, having consistency in the regulations as to terms and definitions will be critical in clarifying this law for both employers and employees.

Although no jurisdiction is assigned, terminations of employees under these provisions will be challenged in the unemployment system. This presents a number of other problems.

The definition of misconduct in the law includes a presumption (26 MRS §1043 (23)) that misconduct occurs when "(7) Using illegal drugs or being under the influence of such drugs while on duty or when reporting to work;" and "(12) Substantially endangering the safety of the employee, coworkers, customers or members of the public while on duty." In presumption 7, does illegal include substances that are illegal under federal law but legal under state law? presumption 12, because marijuana stays in the system for as long as 6 weeks, employers may have a difficult time confirming impairment on the job. Drug tests may be positive long after the impairment has worn off.

There may also be a complication regarding people collecting unemployment for whom their suitable work always or reasonably and/or routinely requires applicants to pass a drug test. If a claimant uses marijuana while collecting unemployment, they may invalidate their ability to pass a drug test in order to accept a job offer, and because of marijuana's longevity in the body, they could test positive for several weeks, while still collecting unemployment. This could be a violation of the unemployment laws that require claimants to be able and available for employment each week in which they file a claim, and could also constitute a refusal of suitable work, potentially disqualifying them from benefits.

Provision 3's language, "*may not refuse to . . . employ . . . or otherwise penalize a person 21 years of age or older solely for that person's consuming marijuana*" seems to prohibit an employer from using an applicant or pre-employment drug test as the basis for not hiring an individual if the employer screens for marijuana in that test. The vast majority of applicant drug test results under state law are positive for marijuana. This raises the question of does the employer who uses applicant drug testing to screen prospective hires place themselves in legal limbo if they continue to use applicant tests. Would an application for a safety-sensitive position justify a drug test and be an allowable reason to "discriminate" under the law?

Some states that have legalized marijuana allow employers to establish the range of legal and medical marijuana use they will tolerate by their employees. For example, in Colorado, employers can have a zero tolerance policy for both or either medical or recreational marijuana, or allow different policies for different employees depending on the safety and other requirements of each occupation. Colorado also has no regulations governing drug testing of

employees; employers work with their employment attorneys to develop drug testing policies appropriate for their business and that respect the health privacy, disability employment and equal opportunity provisions of state and federal law.

Maine, in contrast to Colorado, has complicated drug testing laws riddled with loopholes, restrictions, thresholds, and requirements. Out of more than 45,000 employers in the state, fewer than 800 currently have state-approved drug testing policies, most of which are approved for applicant-only testing. These outdated laws should be revised, not only because of marijuana legalization but also because of our opioid epidemic, so that the statutes contain reasonable protections for employee privacy but allow employers to administer appropriate drug tests to ensure a safer workplace for all employees, customers, and patients and to help incentivize employees in recovery from addiction to any substance to stay clean, to keep their job, and to maintain invaluable relationships with co-workers.

Employers with federal contracts are required by their status as a federal contractor under presidential Executive Orders dating back to the 1980s to have drug-free workplace policies. Maine's medical marijuana statute places these employers in violation of either these federal regulations or the state regulation; section 2454 makes this conflict more explicit and difficult for our contractors to navigate. Some of these employers are sub-contractors on federal contracts, and their contract requires them to prove they are drug free; they do this usually by having explicit drug-free workplace policies and sometimes by conducting drug tests. Section 2454 may jeopardize these employers' abilities to qualify for these contracts because they cannot under the current wording have a drug-free workplace. This could mean fewer high-quality jobs with excellent wages for Maine workers.

Federal law presents other complications. Because the Department's programs are about 90% federally funded, the federal government has placed—and may place more—restrictions on how these programs can be used for unemployment claimants, people in training programs, and marijuana-industry employers and workers. As of right now, the department cannot list any marijuana-related employment on the Maine JobLink nor use any federally funded program or staff time to assist these employers in finding workers or train workers for this industry. Any program that uses federal funding—including unemployment, vocational rehabilitation, and workplace safety consultations—may be further restricted.

These comments are simply to raise to the Committee's awareness the myriad employment-related issues that arise out of the existing language of the statute. Both employers and employees need clarity in the law. The department appreciates that the bill to delay implementation included the delay of these employment-related provisions so that interested parties have the time to determine how marijuana and/or impairment in the workplace should be addressed.

Thank you for your consideration of these comments. I would be happy to answer any clarifying questions, and we can be available to attend upcoming work sessions.

Mr. Langlin

Please submit this email as part of the testimony related to the public forum held on marijuana legislation.

Dear Committee Members:

As a Maine taxpayer and Bangor resident, parent and educator I have several concerns as the state reviews legislation related to marijuana use in Maine.

1. It is my hope sales of products with THC will only be allowed in specialty shops and not in convenience stores or grocery stores.
2. I support the ability for cities and towns to ban shops.
3. I would like to see the tax hiked dramatically on all products with monies targeted to anti-addiction campaigns similar to other campaigns we have seen with alcohol and tobacco. The state may find it needs to educate the public about public consumption as well.
4. I'm greatly concerned with how law enforcement will have to deal with any increases in use. An increased tax may be useful to help train law enforcement.
5. Colorado has numerous products that appear to target children. I am in support of banning any candy or soda product that has THC including chocolate bars, cotton candy, lollipops or pixie straws. These products actually exist.
6. I am in support of regulating packaging information. Some of the products sold in Colorado allow the terms many of us are accustomed to seeing on food products such as "organic" or "fresh" which I think give a false sense of safety around marijuana use.

Thank you.

sincerely,

Jeffrey Hope
Bangor, Maine
404-4702

**Testimony of the Efficiency Maine Trust
Michael D. Stoddard, Executive Director**

**Marijuana Legalization: Implications for Maine's Electric Grid and Energy Efficiency
Presented to the Joint Select Committee on Marijuana Legalization Implementation**

February 28, 2017

Chairman Katz, Chairwoman Pierce, and Honorable Members of the Joint Select Committee on Marijuana Legalization Implementation:

The Efficiency Maine Trust appreciates the opportunity to illustrate the potential impact of the commercial growing of cannabis on Maine's electric grid and to present the opportunities for energy efficiency to mitigate that impact. To that end, we are attaching to this testimony a presentation prepared by our sub-contractor Energy Resource Solutions (ERS), which summarizes recent research in this area.

Cannabis cultivation facilities are energy-intensive. Lighting represents the largest source of energy demand from cultivation, since the industry practice is to grow the plants indoors providing artificial lighting for many hours per day. Cannabis cultivation also requires significant electricity consumption to provide air conditioning, ventilation, dehumidification, and other climate-control measures. In some operations, cannabis processing stages (e.g. drying, curing, extracting) present additional energy needs.

ERS's research shows that the typical cultivation facility uses high-intensity discharge (HID) lighting fixtures and piecemeal, off-the-shelf mechanical equipment for climate control. Energy-efficient alternatives such as LED lighting, customized HVAC systems, outdoor air economization, and heat recovery dehumidification are entirely appropriate, but rarely employed in these operations.

The impact of this new industry on Maine's energy demand and electricity ratepayers could be substantial. Assuming the State licenses 800,000 square feet of canopy space, ERS forecasts a 50 MW increase in demand attributable to lighting alone. They estimate that this will require an additional 10 MW in cooling equipment to reject waste heat from the lighting fixtures. This 60 MW demand increase is roughly equivalent to the energy required to power all the homes in Portland, Lewiston and Bangor. Recent forecasts, made before recreational cannabis was approved by referendum, predict that Maine's electricity demand would grow at a rate of approximately 0.8% per year. Adding 60 MW of new cannabis cultivation to the equation, if it were to occur in a single year, would raise this growth rate to 3.0%. While this rate of growth may be easily accommodated on some sections ("circuits") of the grid's distribution system, it has the potential to stretch the capacity of others. In sections of the grid where the distribution system is already near its maximum capacity, the sudden addition of significant new electricity demand poses some potential impacts that this committee should consider so that there will be appropriate planning and ratepayer costs are minimized.

We also want to convey the point that energy efficiency could help to mitigate this impact. If these new facilities install LEDs, modeling shows a potential 36 MW increase in demand (30 MW in lighting, and 6 MW in corresponding cooling). In other words, this one energy efficiency measure could cut the projected demand growth by 24 MW, or 40%.

It is important to note that ERS's research to date only captures the demand associated with lighting. The other energy requirements enumerated above have yet to be quantified.

Efficiency Maine would welcome guidance from the Legislature on whether and how we could offer incentives to this industry, consistent with our mandate to harvest all energy efficiency that is cost-effective, achievable and reliable. We also stand ready to work with policymakers to explore whether there are other alternatives – such as building energy code or permitting requirements – that could help ensure that new growing facilities are as efficient as possible.

Thank you for this opportunity to highlight this issue as you consider the impacts of cannabis legalization and plan for its implementation.

Respectfully submitted,

/MDS

Michael D. Stoddard
Executive Director

Enc.

PROGRAM AND GRID IMPACTS FROM CANNABIS LEGALIZATION

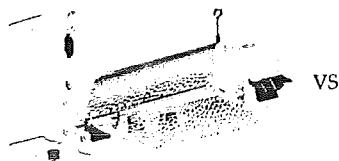
Jesse Remillard and Nick Collins, ERS

AGENDA

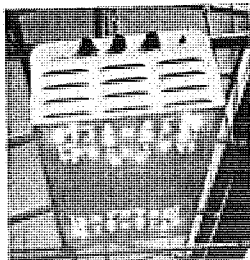
- Lighting characterization and findings
- HVAC characterization and findings
- Potential electric grid impacts
- Initial findings from other efficiency program markets
- Conclusions

LIGHTING CHARACTERIZATION

- Baseline: high intensity discharge (HID) i.e. metal halide (MH) or high pressure sodium (HPS) type fixtures
- Efficient: light emitting diode (LED) type fixtures

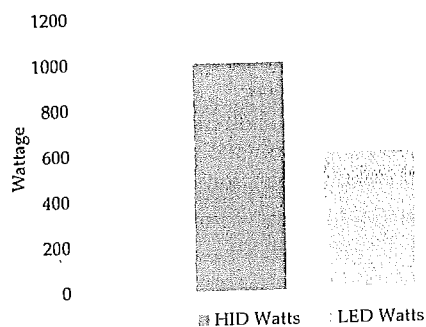


VS

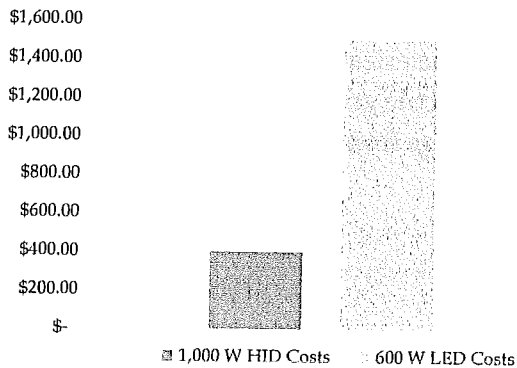


HID VS LED RECOMMENDED WATTAGE COMPARISON

- For a representative 4'x4' canopy area



HID VS LED PER FIXTURE COSTS



OTHER LIGHTING FINDINGS



- ❑ High cost of LEDs over HID baseline
- ❑ Perception that LED cannot match yield and quality of HPS
- ❑ Custom program has made incentive offers but have been turned down for HPS
 - > Technology or incentive or both?

2/24/2017

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HVAC CHARACTERIZATION



- ❑ Observations and conversations with industry actors:
 - > Rapid investment and expansion of indoor grow facilities in warehouse type buildings with poor envelope quality
 - > Poor design of HVAC and dehumidification systems
 - > Closed loop ventilation systems
- ❑ Baseline: piecemeal off the shelf mechanical equipment, closed loop ventilation (no outside air), and mechanical dehumidification
- ❑ Efficient: chillers, outdoor air economization, and heat recovery dehumidification

OTHER HVAC FINDINGS



- ❑ Site specific design is the best approach to energy savings
- ❑ Using LED lighting may allow downsizing of cooling equipment
- ❑ Using heat recovery may allow downsizing of cooling equipment
- ❑ Dehumidification is a unique challenge to indoor grow operations and represents a significant energy end use

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TOTAL POTENTIAL LIGHTING DEMAND



- Total canopy space to be licensed: 800,000 ft²
- Canopy per 1,000W HPS/MH: 16 ft²
- Total number of potential fixtures: 50,000
- Total potential demand with HPS/MH: 50 MW
- Total potential demand with LEDs: 30 MW
- Total potential demand reduction: 20 MW
 - Note, this accounts for permitted retail recreational impacts only

INTERACTIVE EFFECTS: AIR CONDITIONING



- 50 MW of lighting would require approximately 10 MW of cooling equipment
- 30 MW of lighting would require approximately 6 MW of cooling equipment
- Implies demand reduction order of magnitude of 4 MW, and energy savings of 11,000,000 kWh for using LED lighting
 - These values only account for cooling required to offset heat rejection from lighting fixtures

TOTAL LIGHTING AND INTERACTIVE EFFECT IMPACTS

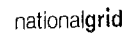
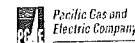


- HID: 50 MW + 10 MW = 60 MW
- LED: 30 MW + 6 MW = 36 MW
- Total potential demand reduction by going to LED: 24 MW
 - Assumes everyone uses 1,000 W HID or 600 W LED fixtures
 - Does not account for reduced fixture output for plants in vegetative state
 - Nameplate wattages

KEY FINDINGS FROM LEGALIZED MARKETS



- Many other programs recognizing the potential impacts, and funding energy efficient indoor grow equipment



CONCLUSIONS



- Several significant efficiency opportunities with demonstrated incentive need
- Large anticipated impact to electric grid
- Rapid industry expansion currently underway: focus on yield and quality
 - Rapid expansion, product value, and efficient equipment premiums could lead to substantial lost opportunity

Testimony of Shaw Weeks, M.B.A.
Joint Select Committee on Marijuana Legalization Implementation
Public Comment Meeting - February 28, 2017

Good afternoon, Sen. Katz, Rep. Pierce and members of the Joint Select Committee on Marijuana Legalization Implementation. My name is Shaw Weeks, and I live in China. I am here today to provide my insight and input regarding legal marijuana implementation. I offer the committee my full support and encouragement in your monumental undertaking. I have been operating as a marijuana caregiver for the past three years and in combination with my education and experiences, I feel I can offer the committee some insight. I am pleased to learn that the committee will be using resources from other states that have already gone through this process. Further, I was relieved to hear the committee understands the implications of a high tax on cannabis products, ultimately affecting the revenue the state will collect and the growth and continuation of the black market.

My first concern is that the committee may lose sight of the original intent of the referendum. It has been stated that no one had read the entire text of the referendum. I need to inform the committee this is untrue. Many passionate folks, including industry professionals like myself, have labored over the text of the referendum. I'm sure I'm not alone in having read through the bill's entirety on multiple occasions and even going so far as to reach out to members of the group who drafted the referendum.

I strongly believe that the intent found in those 28 pages must be carried forth into your committee's deliberations. I believe that the general population was strongly in favor of legalization and the medical marijuana community strongly split, with the majority voting no on one for one reason. That reason is fear of losing whatever economic prosperity the medical marijuana industry brought to our struggling communities. Folks fear that out-of-state investment types will come to Maine and push small growers out of the market. This is why the bill outlines provisions such as: "The state licensing authority shall license marijuana cultivation at retail marijuana cultivation facilities by unit blocks of 10 feet by 10 feet, or 100 square feet, of plant canopy, with 40% of all licenses issued going to licensees of 30 unit blocks or less. The maximum amount of unit blocks allowed to a single licensee is 300."

I believe language like this is important and designed to protect those small-scale growers and the communities they operate in. The bill itself only restricts licenses for cultivation and does so with an overall canopy ceiling of 800 thousand square feet, to be adjusted as needed. It protects our local industry even further by accepting only established caregivers and board members of dispensaries in the first round of licensing for cultivation.

As you move forward, I urge the committee to determine appropriate guidelines to govern the licensing application process. It is important that established businesses already operating and paying licensing fees in the industry receive special consideration. Those who have taken the extra step of incorporating their company with the state should be looked upon favorably. It is equally important for these business to be keeping accurate records and be in good standing with the Maine Revenue Service. Businesses with active and long-standing relationships with banks, credit unions, and accountants should also be favored as they have kept real accounts of their business.

Marijuana legalization will be a major advantage for the Maine economy and its people. Marijuana has been sold here for decades; taxation and regulation will only divert that black market industry into one that instead works for the Maine people.

Thank you for your consideration. I look forward to following the committee's progress and I am happy to answer any questions you have for me.

Jeffrey Walls

43 Sorey Rd.

Stockton Springs, Me. 04981

Sen. Roger J. Katz, Rep. Teresa S. Pierce and The Joint Select Committee on Marijuana Legalization, I am Jeffrey Walls from Stockton Springs, a seventh generation Mainer and a medical cannabis patient. Thank you for the opportunity to address you today in regards to upcoming implementation of recreational cannabis laws as well as potential alterations to Maine's medical cannabis program.

First, I would like to commend the legislature on passing LD88, An Act To Delay the Implementation of Certain Portions of the Marijuana Legalization Act. The Question 1 legislation passed by Maine's voters in November 2016 was fraught with nebulous language and I appreciate the sagacity of the 128th Legislature realizing proper implementation would take longer than the 9 months stipulated in the measure.

I would like to focus on two segments of implementation; patient and citizen's rights.

First, I highly urge the committee to strictly adhere to this section of the proposed legislation:

§2454. Construction

1. Relation to the Maine Medical Use of Marijuana Act. This chapter may not be construed to limit any privileges or rights of a qualifying patient, primary caregiver, registered or otherwise, or registered dispensary under the Maine Medical Use of Marijuana Act.

Maine has one of the highest rated medical cannabis programs in the United States according to the 2015 assessment by the Americans for Safe Access, a group that advocates for safe and legal access to medical cannabis for therapeutic use and research . The report uses a point system to grade each medical marijuana law on: a) patients' rights and protection from discrimination, b) access to medicine, c) ease of navigation, d) functionality and e) product safety. Maine scored 408 out a possible 500 points with every category resulting in a score of 86% or higher with the exception of product safety, where Maine scored 42 out of 100.

Maine's medical cannabis patients need the access afforded to them by local caregivers and the ability to grow their own medicine. Restricting patients to a centralized cultivation and distribution system limits their choice and freedom, jeopardizes access in rural areas, and makes medical cannabis unaffordable and out of reach for many qualified patients. Because not all patients have the skill, time or space to cultivate their own cannabis, patients need both centralized and localized cultivation. We must strive to provide the most healthcare options for patients and to empower them to make their own decisions regarding medical treatment.

Cannabis is not a complicated pharmaceutical product; it is a plant that, like a tomato plant, will thrive with appropriate care. While the cultivation of cannabis requires time, resources, and skill, cannabis is

still relatively easy to grow. In fact, people have been successfully cultivating cannabis for therapeutic use for thousands of years.

Personal cultivation policies allow knowledgeable patients to select cannabis strains that meet their needs and guarantees reliable, affordable, and consistent access to cannabis, especially for patients in rural communities or locales without a dispensing center nearby.

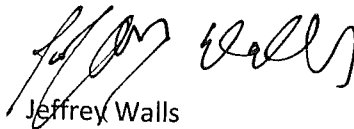
Restricting patients to a centralized supply with high overhead costs, increases the price of medical cannabis and makes it unaffordable for many patients. Patient cultivation ensures prices will be kept low by increasing the options available to patients, which in turn leads to fair and competitive pricing in the medical cannabis market. For these reasons I believe the medical cannabis program needs to be protected as the recreational cannabis program is being fleshed out.

I sincerely believe that, if Question 1 had been more concise and clearly legalized cannabis instead of hyper-regulated it, the measure would have passed by a landslide. Many of the people voting against the measure believe in legalization, but felt that as it was presented, it just doesn't go far enough to ensure an equal footing for all Mainers in the industry. Current wording limits participation, making a fortunate few able to enter the market while the majority sit on the sideline.

If cannabis were allowed in a free market, just like tomatoes, those that grew the best product would rule the market, not those with the deepest pockets. As with local food producers, more people growing equals more people contributing to the states coffers. This puts more money in the hands of Maine residents as well, which will result in more spending creating a ripple effect on Maine's economy.

Moving forward with this legislation, I implore you to you keep the best interests of Maine residents at heart. Protect patients rights and allow all Mainers who want to participate in this cutting edge industry a chance to do so without having to navigate convoluted and costly waters.

Respectfully,



Jeffrey Walls

Stockton Springs, Me.



Statement by - **Scott M. Gagnon, MPP, PS-C**
scott.m.gagnon@gmail.com

*Chair, Smart Approaches to Marijuana, Maine &
Chair, Mainers Protecting Our Youth and
Communities*

To Members of the Committee on Marijuana Legalization Implementation

February 28th, 2017

Senator Katz, Representative Pierce, and members of the Committee on Marijuana Legalization Implementation. My name is Scott M. Gagnon a resident of Gray, Maine. I am a Certified Prevention Specialist with over a decade of experience in the youth substance abuse prevention field. I am the Chair of Smart Approaches to Marijuana, Maine and was the leader of Mainers Protecting Our Youth and Communities, the No On 1 campaign. But most importantly, I am a father of three young children; the most important role that truly drives and informs all of my efforts to protect and promote public health.

We sit in this room at a pivotal and consequential time in Maine. We are in the throes of an addiction crisis that has shown no signs of easing. There are important and commendable initiatives underway from all levels of government and local coalitions to fight this epidemic. We must continue to support and expand these efforts. But as we douse the flames, we must pay heed to the fuel for the fire. Marijuana may not be THE gateway drug but federal data is clear that it is an entryway into addiction. A recent CDC VitalSigns report published data from the National Survey on Drug Use and Health which shows those who are addicted to marijuana are 3 times more likely to be addicted to heroin.¹

This means marijuana is inextricably linked to our addiction crisis in Maine. This also means, this committee has the heavy responsibility to ensure that the decisions made in implementing marijuana legalization, do not inadvertently exacerbate an already untenable public health crisis.

We have made great strides in Maine and in the US in addressing the decades of pain and suffering inflicted on our people by the Tobacco Industry. Thanks to the efforts of public health entities such as Healthy Maine Partnerships, Maine CDC, and others, we have been successful in significantly driving down youth and adult tobacco use rates. Meanwhile we have seen CVS pull tobacco from their shelves and more public institutions such as colleges and universities going smoke free. We are making long overdue cultural and systems changes around tobacco.

¹ National Survey on Drug Use and Health (NSDUH, 2011-2013)
www.cdc.gov/vitalsigns/heroin

Decades ago, the country was in an era where tobacco was glorified as a cool, hip product, used by our favorite celebrities. It was a product promoted to children by cartoon characters. It was a product that was going to make the country and the states lots of money. It was a product that was promoted by medical professionals in the media. And it was a product whose scientifically proven harms to the health of young and old alike, were obscured and denied by the industry. Unfortunately, in those days we ignored the warnings of the medical and public health professionals, and we paid, and continue to pay, a heavy price.

Today we are in an era where marijuana is being glorified as a cool, hip product, with brands being launched by our favorite celebrities. It is a product luring our youth in the shape of a gummy bear. It is a product promised to make our state lots of money. It is a product promoted by medical professionals in the media. And it is a product whose scientifically proven harms to the health of young and old alike are obscured and denied by the recreational marijuana industry.

The good news is you have a wealth of public health and substance abuse prevention experts with proven track records in Maine. I implore that you tap into and leverage our expertise and experience. We know the individual and community level influences that increase the protective factors amongst our youth while reducing risk factors. We can help you shape policies that make public health and the wellness of our youth as the top priorities.

And we come to the table with ideas. I have included with my testimony, key recommendations we in Mainers Protecting Our Youth and Communities have made when it comes to marijuana legalization implementation. The attachment has greater detail but briefly we recommend and advocate for the following:

- Tax rate must be increased to cover the social costs created by legalization and to deter youth and heavy use.
- Serious penalties and consequences for retailers or adults who sell to minors.
- Statewide retail marijuana enforcement, to include underage compliance checks.
- Requirement of licensure, that all retail staff receive responsible-seller training.
- Strict regulations on advertising including prohibitions on TV advertising.
- Strict product standards for retail marijuana including:
 - Ban on edible products that are attractive to children.
 - 15% cap on THC potency for all non-medicinal marijuana products.
 - Opaque, child-proof packaging of edibles in single doses.
- Prohibit the location of retail dispensaries within 1000 feet of underage sensitive areas such as private and public schools, daycares, HeadStart programs, college campuses and others.

I do not envy your role. The decisions that are made in this pivotal time will impact Mainers for generations. We stand ready to help. Let us work together to ensure the futures for the youth of Maine continues to be healthy and bright.

- Minimum one-year moratorium on implementation to provide adequate time for state and local systems to research, construct, vet, and approve smart, science-informed policies that will minimize risks and harms to Maine youth and communities.
- Joint Standing Committee solely devoted to rulemaking, implementing and bills related to Question 1. Further, we recommend the establishment of an Advisory Group comprised of community experts in the areas of public health, law enforcement, education, workforce, addiction, prevention, and medicine.
- No decision making authority for marijuana industry or vested interests
- Tax rate should be increased to fully cover implementation and to deter youth and heavy use. Portion of marijuana tax revenues should be dedicated to addiction prevention, treatment, and recovery services to help combat the addiction crisis.
- Serious penalties and consequences for retailers that sell to minors. Consequences should escalate if a minor is sold or given marijuana by an adult and then that minor is killed or injured in an accident caused by the impairment of said marijuana. We also recommend significant consequences for adults providing a place for minors to consume marijuana. (i.e. social hosting laws)
- Statewide retail marijuana enforcement, to include underage compliance checks.
- Requirement of licensure, that all retail staff receive responsible-seller training, to include training on spotting fake IDs. Additionally, licensees should not be absolved of responsibility from determining the validity of IDs.
- Strict regulations on advertising. No advertising on TV. No advertising in print, digital, or other media likely to be read by youth.
- Strict product standards for retail marijuana.
 - Ban of all edible products that could be attractive to children
 - 15% cap on THC potency for all non-medical marijuana products including edibles.

- Edibles packaged in individual, single doses in child-proof, opaque packaging. No cartoon characters or other imagery attractive to children.
- Prohibit the location of retail dispensaries within 1000 feet of underage-sensitive areas. (private and public schools, daycares, headstart programs, shelters, Boys and Girls clubs, places of worship, college campuses, etc.)
- Protections for landlords who would choose to not allow the consumption of any marijuana products, smoked or otherwise, on their premises. Tenants should also have recourse and protections from nuisance (e.g. odors) and harms caused by neighbors growing or consuming marijuana.
- Protections for employers to continue to implement hiring and human resource policies aimed at maintaining a safe, drug-free and impairment-free workplace.

Contact information:

Scott M. Gagnon, MPP, PS-C

Chair, Mainers Protecting Our Youth and Communities

Scott.m.gagnon@gmail.com

(207) 520-0293

TESTIMONY

Marijuana Legalization Implementation Committee
Public Hearing February 28, 2017

To the Members of the Committee:

Thank you for your thoughtful consideration of the implementation of the new Maine Recreational Marijuana Law.

A few items for you to consider when implementing new rules governing the Legal Sales and Use of Recreational Marijuana in Maine are:

- Not all rules governing Recreational Marijuana should automatically be applied to the Medical Marijuana Program.
- The Medical Marijuana Program, as administered and overseen by the Department of Health and Human Services already includes safeguards for both the public, and participating Patients, Caregivers and Dispensaries.
- Caregivers and Dispensaries in the MMP program who voluntarily and independently test their products have loyal Patients who realize the benefits of doing business with small, patient-centered and ethical providers who choose to voluntarily test their products.
- Creating mandatory testing for Medical Marijuana providers would be an onerous burden particularly for Caregivers, who are small businesses already struggling to comply with existing regulations.
- Creating rules regarding testing for acceptable THC levels in drivers completely disregards the medical needs for such THC in certain qualified individuals.
- Any regulations created for the governance of Recreational Marijuana should not necessarily be applied to the Medical Marijuana Program, since such regulations may be an unreasonable burden on Caregivers who already comply with the existing rules of the Program; and who work hard to provide safe, tailored treatment to those in medical need.

Thank you again for your consideration, on behalf of all citizens of Maine.

Sincerely,
Joanna Reese
Bryant Pond, Maine

Marijuana Legalization Implementation Committee

**Joseph Lusardi, Executive Director of Maine Organic Therapy – A
Medical Marijuana Dispensary located Ellsworth Maine**

February 28, 2017

Good afternoon Senator Katz, Representative Pierce and distinguished members of the Marijuana Legalization Implementation Committee.

My name is Joseph Lusardi and I am the Executive Director of Maine Organic Therapy, one of the very successful 8 state regulated Medical Marijuana Dispensaries located in Ellsworth, Maine.

My background is primarily in retail sales at the upper management level. I began researching the possibilities of opening a dispensary over six years ago; we were pioneers who learned the process under the strictest regulatory guidelines. Maine Organic Therapy has standard operating procedures, a vertical integration infrastructure whereby we have a regulated grow-out facility in Biddeford, a regulated process for preparing product for retail to medical marijuana card holders and a competitive retail medical dispensary in Ellsworth.

As many of you know, operating a small business is a passion; there are no doubt ups and downs, constant attention to detail, constant attention to rules and regulations, human resource management, balancing the income and expenses.

But at the end of each day, I enjoy what I do; I continue to learn each day and provide a quality product to serve the medical requirements of my patients.

We have built a successful business infrastructure, including landlords, equipment vendors, dedicated employees, couriers, legal and a consistent flow of reliable tax revenue for the State of Maine.

Our number one objective is to supply our patients with a highly regulated quality and consistent product.

In closing, I would like to arrange for the entire committee to participate in a regional one day tour of existing grow out facilities and current dispensaries in order to provide a firsthand look at our successful medical program.

Thank you

Joseph Lusardi

Dear Marijuana Legalization and Implementation
Committee Members

Re: Commercial Sale and Cultivation of Marijuana in Maine

Submitted by: Shari LaTulippe 125 Eastbrook Rd. Franklin, Maine

The Referendum to legalize Recreational Marijuana and personal cultivation should not have been allowed to be voted on by the general public. This issue should have been seriously scrutinized by lawmakers at the state level with formal public hearings.

What societal benefits are gained by allowing the commercial sale of Recreational Marijuana at retail shops? Tax revenue is not enough to convince me that this is a good idea.

Creating employment opportunities for people is a very weak proposal. Working at a 'pot shop' is not a highly aspiring goal in life. A college education and a meaningful career is a better choice.

Allowing anyone to cultivate marijuana plants on their property is irresponsible at best. How can we be sure people will adhere to the maximum plant allowance? Who's to say no one will be selling marijuana for recreational use? What plans are in place to oversee this 'wild wild west' aspect of the Marijuana Referendum? Not all people are responsible or considerate of others or laws.

Marijuana is a non-native plant that requires copious amounts of water over a long growing period to reach maturity, will occupy valuable landscape where native flora would grow and support native fauna (birds, insects, mammals, reptiles, amphibians). And may require the use of pesticides. Isn't this a comforting thought? Excess amounts of electricity is consumed when Grow Lights are used in indoor operations. This plant has a long growing season to reach maturity and needs lots of warm temperatures. Conservation of resources may not be part of this formula. There are serious issues regarding resource consumption. For the benefit of who? Only those who choose to smoke and cultivate Marijuana.

Growing Marijuana during a drought as we experienced in 2016 will exacerbate the negative conditions a drought creates, not only for native flora and fauna but also for people who live near cultivation sites. Is this a responsible use of natural resources?

Growing food crops on a real farm is one thing, but growing Marijuana just because you want to and supposedly now you can in Maine, is not a good idea and just plain ridiculous.

In my opinion, Recreational Marijuana Shops are not a necessity in Maine and we are at a point in the process where we can say no to any in the future. For those who have started personal growing operations, its just an increase in the status quo.

Before we continue on the path to legalizing Recreational Marijuana retail shops and further burden the resources of Maine's cities and towns along with the added demand on natural resources, take a break and seriously rethink this whole endeavor.

For those of us who do not support the Recreational Marijuana Referendum and all of its implications, I hope we have more opportunities to voice our concerns.

Since Medical Marijuana is established in Maine where regulations are in place and can be improved upon, here is where the extent of Marijuana's availability should stay. No Social Clubs, no Retail shops, if possible at this point in the process.

We live in Hancock County, Franklin, Maine where drug use is high, sale of illegal drugs occur near our home. This type of activity does affect the quality of life for those who live near these people. I am not interested in the increased availability of drugs, legal or not.

Once again, I urge you to not allow the legalization of Recreational Marijuana to proceed.

Thank You for considering my concerns

Sincerely, Shari Latulype and Christopher Wiebrsch