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JANET STOCCO, LEGISLATIVE ANALYST DANIEL TARTAKOFF, LEGISLATIVE ANALYST

STATE OF MAINE ONE HUNDRED AND TWENTY-NINTH LEGISLATURE **COMMITTEE ON VETERANS AND LEGAL AFFAIRS**

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Joint Standing Committee on Criminal Justice and Public Safety
Senator Louis Luchini, Chair Representative John Schneck, Chair
Representative John Schneck, Chair
Joint Standing Committee on Veterans and Legal Affairs
July 10, 2020
Joint Rule 319 review of LD 2002, An Act To Improve Compliance with
Department of Administrative and Financial Services, Office of Marijuan
Policy Registration and Licensure Requirements

The Joint Standing Committee on Veterans and Legal Affairs is requesting the Criminal Justice and Public Safety Committee's review of the majority report amendment¹ to LD 2002, An Act To Improve Compliance with Department of Administrative and Financial Services, Office of Marijuana Policy Registration and Licensure Requirements (DAFS bill) pursuant to Joint Rule 319. For reference, attached to this memorandum is a copy of the original version of the bill as well as a copy of the majority report amendment to the bill.

Although we understand that your reviewing authority under Joint Rule 319 is limited to the impact of proposed new crimes or increased criminal penalties on the criminal justice system, we would like to provide you with some context regarding the new crimes proposed in LD 2002, as amended. The majority report amendment to LD 2002 makes a number of technical changes to the original bill, which amends the medical marijuana and adult use marijuana laws to allow the Department of Administrative and Financial Services, office of marijuana policy to use for identification purposes the social security numbers that it already collects for taxation purposes from applicants for registry identification cards or registration certificates under the medical marijuana laws and from applicants for individual identification cards under the adult use marijuana laws.

As explained to the VLA Committee, the office of marijuana policy intends to use those social security numbers that it already collects to ensure that each individual is not issued more than one registry identification card, registration certificate or individual application card. That office noted

¹ Majority report members (OTP-AM) = Ackley, Cooper, Cyrway, Dolloff, Hanington, Herbig, Hubbell, Luchini, McCreight, Schneck, Strom; Minority report members (ONTP) = Andrews, Hickman.

that federal law requires specific statutory authorization for its employees to use those collected social security numbers for that specified purpose even though they are already collecting and in possession of those same social security numbers.

Both sections A-3 and B-1 of the bill, as amended, provide that:

"A public official or an employee or agent of the office of marijuana policy within the [Department of Administrative and Financial Services] may not inspect, review, divulge, make known in any manner or otherwise use an individual's social security number for any purpose other than the conduct of the official duties [related to the identification purposes described in those sections]. A person who intentionally or knowingly violates this subparagraph commits a Class E crime."

Thank you for reviewing these proposed new crimes pursuant to Joint Rule 319. Please let us know if you require any additional information.

cc: Members, Veterans and Legal Affairs Committee

ORIGINAL LD



129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document	•
H.P. 1418	House of Representatives

House of Representatives, January 8, 2020

An Act To Improve Compliance with Department of Administrative and Financial Services, Office of Marijuana Policy Registration and **Licensure Requirements**

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 203.

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

RI+ B. Hunt

ROBERT B. HUNT Clerk

No. 2002

Presented by Representative BAILEY of Saco.

1	Be it enacted by the People of the State of Maine as follows:
2	PART A
3 4	Sec. A-1. 22 MRSA §2425-A, sub-§3, as enacted by PL 2017, c. 452, §12, is amended to read:
5 6 7 .	3. Application for registry identification card; qualifications. The department shall register and issue a registry identification card to an applicant who submits a complete application that meets the requirements of this subsection.
8 9 10 11	The department shall conduct a criminal history record check for any applicant for a registry identification card. Except as provided in subsection 3-A, the department may not issue a registry identification card to an applicant who is not permitted under this chapter to have a disqualifying drug offense.
12	An application must include, as applicable:
13	A. The annual fee required pursuant to subsection 10; and
14 15 16 17	B. A statement that the requirements of section 2423-B have been met if the qualifying patient applying for the registry identification card has not attained 18 years of age and the qualifying patient's parent, guardian or person having legal custody of the <u>qualifying</u> patient consents in writing to:
18	(1) The qualifying patient's medical use of marijuana;
19	(2) Serving Serve as one of the qualifying patient's caregivers; and
20 21 22	(3) <u>Controlling Control</u> the acquisition of the marijuana plants or harvested marijuana and the dosage and the frequency of the medical use of marijuana by the qualifying patient; and
23	C. The applicant's social security number.
24 25	Sec. A-2. 22 MRSA §2425-A, sub-§4, ¶B, as enacted by PL 2017, c. 452, §12, is amended to read:
26 27	B. The department may deny an application for a card or for renewal of a card only if:
28 29	(1) The applicant did not provide the information required pursuant to subsection 3;
30	(2) The department determines that the applicant does not qualify; or
31 32	(3) The department determines that the information provided by the applicant was falsified <u>; or</u>
33 34 35	(4) The department determines, upon review of the social security number supplied by the applicant, that a registry identification card has already been issued to an individual using that social security number who is not the applicant.
36 37	Sec. A-3. 22 MRSA §2425-A, sub-§12, ¶L, as enacted by PL 2017, c. 452, §12, is repealed and the following enacted in its place:

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1	L. The department shall comply with the provisions of Title 36, section 175.
2	(1) Information provided by the department pursuant to this paragraph may be
3	used by the Department of Administrative and Financial Services, Bureau of
4	Revenue Services only for the administration and enforcement of taxes imposed
5	under Title 36.
6	(2) Social security numbers provided to the department pursuant to subsection 3
7	may be used by the office of marijuana policy within the department to verify the
8	identity of each applicant for a registry identification card. It is unlawful for any
9	public official or any employee or agent of the office of marijuana policy within
10	the department to inspect, review, divulge, make known in any manner or
11	otherwise use any individual's social security number for any purpose other than
12	the conduct of the official duties described in this section. A person who
13	willfully violates this subparagraph commits a Class E crime. A person who
14	willfully violates this subparagraph who is an officer, employee or agent of the
15	State must be dismissed from office.
16	PART B
17	Sec. B-1. 28-B MRSA §106, as enacted by PL 2017, c. 409, Pt. A, §6, is amended
18	to read:
19	§106. Individual identification cards
20	The department shall issue individual identification cards to natural persons licensed
21	under this chapter and, upon the request of a licensee, shall issue individual identification
22	cards to owners, officers, managers, contractors, employees or other support staff of the
23	licensee who meet the requirements of this section for the issuance of an individual
24	identification card. Individual identification cards issued by the department must be
25	renewed annually using forms provided by the department.
26	1. Rules. The department shall adopt rules regarding the issuance and format of and
27	the information to be included on individual identification cards issued pursuant to this
28	section.
29	2. Criminal history record check. Prior to issuing an individual identification card
30	to a natural person pursuant to this section, the department shall require the person to
31	submit to a criminal history record check in accordance with section 204.
32	3. Social security number disclosure required. Prior to issuing or renewing an
33	individual identification card to a natural person pursuant to this section, the department
34 25	shall require the person to disclose to the department the person's social security number
35 26	to allow the department to verify the identity of the individual identification card holder. It is unlawful for any public official or an employee or agent of the office of marijuana
36 37	policy within the department to inspect, review, divulge, make known in any manner or
38	otherwise use any individual's social security number for any purpose other than the
38 39	conduct of the official duties described in this section. A person who willfully violates
40	this subsection commits a Class E crime. A person who willfully violates this subsection
41	who is an officer, employee or agent of the State must be dismissed from office,

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SUMMARY

This bill does the following.

Part A authorizes the Department of Administrative and Financial Services to collect and use the social security numbers of applicants to ensure that only one registry identification card is issued to each participant under the Maine Medical Use of Marijuana Act.

Part B authorizes the office of marijuana policy within the Department of Administrative and Financial Services to collect and use the social security numbers of applicants to ensure that only one individual identification card is issued to each individual identification card holder under the Marijuana Legalization Act.

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MAJORITY REPORT AMENDMENT

(Filing No. H-

L.D. 2002

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Date:

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VETERANS AND LEGAL AFFAIRS

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

STATE OF MAINE

HOUSE OF REPRESENTATIVES

129TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "" to H.P. 1418, L.D. 2002, Bill, "An Act To Improve Compliance with Department of Administrative and Financial Services, Office of Marijuana Policy Registration and Licensure Requirements"

Amend the bill in Part A in section 3 in paragraph L by striking out all of subparagraph (2) (page 2, lines 6 to 15 in L.D.) and inserting the following:

¹(2) Social security numbers provided to the department pursuant to subsection 3 may be used by the office of marijuana policy within the department to verify the identity of each applicant for a registry identification card. A public official or an employee or agent of the office of marijuana policy within the department may not inspect, review, divulge, make known in any manner or otherwise use an individual's social security number for any purpose other than the conduct of the official duties described in this section. A person who intentionally or knowingly violates this subparagraph commits a Class E crime.'

Amend the bill in Part B in section 1 in §106 by striking out all of subsection 3 (page 2, lines 32 to 41 in L.D.) and inserting the following:

'3. Social security number disclosure required. Prior to issuing or renewing an 24 individual identification card to a natural person pursuant to this section, the department 25 shall require the person to disclose to the department the person's social security number 26 27 to allow the department to verify the identity of the individual identification card holder. 28 A public official or an employee or agent of the office of marijuana policy within the department may not inspect, review, divulge, make known in any manner or otherwise 29 use any individual's social security number for any purpose other than the conduct of the 30 official duties described in this section. A person who intentionally or knowingly violates 31 32 this subsection commits a Class E crime.1

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

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COMMITTEE AMENDMENT

COMMITTEE AMENDMENT " " to H.P. 1418, L.D. 2002

SUMMARY

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This amendment, which is the majority report of the committee:

1. Clarifies that a public official or employee or agent of the Department of Administrative and Financial Services, office of marijuana policy who inspects, reviews, divulges, makes known in any manner or otherwise uses any individual's social security number for any purpose other than the conduct of official duties commits a Class E crime if such conduct is intentional or knowing. Under the bill, such violation is based on conduct described as willful; and

2. Strikes from the bill provisions requiring the dismissal from office of a public official or employee or agent of the office of marijuana policy who willfully uses an individual's social security number for an unauthorized purpose.

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COMMITTEE AMENDMENT

Approved: 03/09/20 mac



129th MAINE LEGISLATURE

LD 2002

LR 3001(02)

An Act To Improve Compliance with Department of Administrative and Financial Services, Office of Marijuana Policy Registration and Licensure Requirements

> Fiscal Note for Bill as Amended by Committee Amendment " " Committee: Veterans and Legal Affairs Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund Minor revenue increase - General Fund Minor revenue increase - Other Special Revenue Funds

Correctional and Judicial Impact Statements

Establishes new Class E crimes

The additional workload associated with the minimal number of new cases filed in the court system does not require additional funding at this time.

The collection of additional fine and/or fee revenue will increase General Fund and dedicated revenue by minor amounts.

No appropriations/allocations section required.

LR3001(02) - App-Alloc - Page 1 of 1