

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out the title and substituting the following:

**'An Act To Strengthen and Fund the State's Efforts To Investigate, Prosecute and Punish Persons Committing Drug Crimes Using Revenue from the Legalization and Taxation of Marijuana'**

Amend the bill by striking out all of section 1 and inserting the following:

**PART A**

**Sec. A-1. 4 MRSA §157, sub-§1, ¶A**, as amended by PL 2005, c. 519, Pt. III, §2, is further amended to read:

A. The Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over judiciary matters and to confirmation by the Legislature, shall appoint to the District Court ~~3640~~ judges. At least one judge must be appointed from each district who is a resident of a county in which the district lies, except that in District 3 there must be 2 judges appointed who are residents of a county in which the district lies; in District 6 there must be 2 judges appointed who are residents of a county in which the district lies; and in District 9 there must be 2 judges appointed who are residents of a county in which the district lies. Four judges must be appointed to the District Court and assigned in a manner that ensures geographic distribution and the ability of the court to address drug-related criminal matters expeditiously. Each District Court Judge has a term of office of 7 years.

To be eligible for appointment as a District Judge, a person must be a member of the bar of the State. The term "District Judge" includes the Chief Judge and Deputy Chief Judge.'

Amend the bill by inserting after section 3 the following:

**'Sec. A-4. Contingent effective date.** This Part takes effect only if voters approve the referendum in Part B and the State Treasurer notifies the Department of Administrative and Financial Services and the Revisor of Statutes that revenue from the sales tax on the sale of marijuana is sufficient to fully fund the provisions of this Part.

**PART B**

**Sec. B-1. Development of plan for personal use, taxation and regulation of marijuana.** The Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations shall develop a plan, including, but not limited to, proposed rules and legislation, to allow persons 21 years of age or older to engage in the personal use of marijuana, and to regulate

and tax commercial marijuana-related activities. The bureau shall provide the plan, proposed rules and any necessary implementing legislation to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters no later than January 31, 2015. The joint standing committee may report out legislation related to that report that includes dedicated new revenue for the enforcement and prosecution of drug crimes and for the treatment of substance abuse to the First Regular Session of the 127th Legislature.

**Sec. B-2. Referendum procedure; submission at election; form of question; effective date.** This Part must be submitted to the legal voters of the State at a statewide election held in the month of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Part by voting on the following question:

"Do you favor allowing adults 21 years of age and older to engage in the personal use of marijuana, regulating commercial marijuana-related activities and imposing a tax on the sale of marijuana and favor requiring the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to develop a plan to permit this use and to implement regulation and taxation of marijuana?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Part, the Governor shall proclaim the result without delay and this Part becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Part necessary to carry out the purposes of this referendum.'

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

## SUMMARY

This amendment is a minority report of the committee and provides that 4 new judge positions are appointed to the District Court and assigned in a manner that ensures geographic distribution and the ability of the court to address drug-related criminal matters expeditiously.

This amendment requires the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to develop a plan that includes proposed rules and any legislation needed to implement the personal use, taxation and regulation of marijuana. The bureau is required to report its plan to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 31, 2015 and authorizes the joint standing committee

to report out legislation, which includes enforcement and prosecution of drug crimes and the treatment of substance abuse, to the First Regular Session of the 127th Legislature.

This amendment amends the bill by submitting the question of legalizing and taxing marijuana to voters in the State at a referendum and makes establishing the new positions related to the enforcement and prosecution of drug crimes contingent on the availability of sufficient funding received from tax revenues on the sale of marijuana.

**FISCAL NOTE REQUIRED**  
**(See attached)**