



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 301

H.P. 234

House of Representatives, January 31, 2017

**An Act To Protect Children from Marijuana Sales by Prohibiting
Retail Marijuana Establishments and Social Clubs near Schools**

(EMERGENCY)

Reference to the Joint Select Committee on Marijuana Legalization Implementation
suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative HANDY of Lewiston.
Cosponsored by Senator DIAMOND of Cumberland and
Representatives: BABBIDGE of Kennebunk, FARNSWORTH of Portland, FULLER of
Lewiston, GRANT of Gardiner, LUCHINI of Ellsworth, MADIGAN of Rumford, O'NEIL of
Saco, TUELL of East Machias.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** in November 2016, the citizens of the State by majority vote approved the
4 Marijuana Legalization Act, which provides for the legalization of marijuana for
5 recreational use and retail sale; and

6 **Whereas,** the Marijuana Legalization Act does not include restrictions on the
7 placement and operation of retail marijuana establishments or retail marijuana social
8 clubs in close proximity to public and private schools; and

9 **Whereas,** the Marijuana Legalization Act goes into effect January 30, 2017; and

10 **Whereas,** to ensure that restrictions are in place to prevent the placement and
11 operation of retail marijuana establishments and retail marijuana social clubs in close
12 proximity to public and private schools, this legislation needs to take immediate effect;
13 and

14 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
15 the meaning of the Constitution of Maine and require the following legislation as
16 immediately necessary for the preservation of the public peace, health and safety; now,
17 therefore,

18 **Be it enacted by the People of the State of Maine as follows:**

19 **Sec. 1. 7 MRSA §2447, sub-§7, ¶A,** as enacted by IB 2015, c. 5, §1, is amended
20 to read:

21 A. If the application for the license concerns a location that is the same as or within
22 1,000 feet of a location for which, within the 2 years immediately preceding the date
23 of the application, the state licensing authority denied an application for the same
24 class of license due to the nature of the use or other concern related to the location; ~~or~~

25 **Sec. 2. 7 MRSA §2447, sub-§7, ¶A-1** is enacted to read:

26 A-1. If the application is for a license to operate a retail marijuana establishment or a
27 retail marijuana social club that is proposed to be located within 2,000 feet of the
28 property line of a preexisting school. For the purposes of this paragraph, "school"
29 includes a public school, as defined in Title 20-A, section 1, subsection 24, a private
30 school, as defined in Title 20-A, section 1, subsection 22, a public preschool
31 program, as defined in Title 20-A, section 1, subsection 23-A or any other
32 educational facility that serves children from prekindergarten to grade 12; or

33 **Emergency clause.** In view of the emergency cited in the preamble, this
34 legislation takes effect when approved.

SUMMARY

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