



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1444

H.P. 1056

House of Representatives, April 2, 2019

**An Act To Make the Distance to Schools for Marijuana
Establishments Consistent with the Liquor Laws**

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

Robert B. Hunt

ROBERT B. HUNT
Clerk

Presented by Representative MADIGAN of Waterville.
Cosponsored by Representative HICKMAN of Winthrop, Senator CHIPMAN of Cumberland
and Representatives: COREY of Windham, O'CONNOR of Berwick, TALBOT ROSS of
Portland, WARREN of Hallowell, Senators: BLACK of Franklin, President JACKSON of
Aroostook, MIRAMANT of Knox.

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

2 **Sec. 1. 28-B MRSA §402, sub-§2, ¶A**, as enacted by PL 2017, c. 409, Pt. A, §6,
3 is amended to read:

4 A. The marijuana establishment is proposed to be located within ~~1,000~~ 300 feet of
5 ~~the property line of a preexisting public or private school, except that, if a~~
6 ~~municipality by ordinance or other regulation prohibits the location of marijuana~~
7 ~~establishments at distances less than 1,000 feet but not less than 500 feet from the~~
8 ~~property line of a preexisting public or private school, that lesser distance applies.~~
9 The distance must be measured from the main entrance of the marijuana
10 establishment to the main entrance of the public or private school by the ordinary
11 course of travel. For the purposes of this paragraph, "school" includes a public
12 school, as defined in Title 20-A, section 1, subsection 24, a private school, as defined
13 in Title 20-A, section 1, subsection 22, a public preschool program, as defined in
14 Title 20-A, section 1, subsection 23-A or any other educational facility that serves
15 children from prekindergarten to grade 12; or

16 **Sec. 2. 28-B MRSA §403, sub-§2, ¶A**, as enacted by PL 2017, c. 409, Pt. A, §6,
17 is amended to read:

18 A. The marijuana establishment is proposed to be located within ~~1,000~~ 300 feet of
19 ~~the property line of a preexisting public or private school, except that, if the Maine~~
20 ~~Land Use Planning Commission prohibits the location of marijuana establishments~~
21 ~~within a town, plantation or township at distances less than 1,000 feet but not less~~
22 ~~than 500 feet from the property line of a preexisting public or private school, that~~
23 ~~lesser distance applies.~~ The distance must be measured from the main entrance of the
24 marijuana establishment to the main entrance of the public or private school by the
25 ordinary course of travel. For the purposes of this paragraph, "school" has the same
26 meaning as in section 402, subsection 2, paragraph A; or

27 **Sec. 3. 28-B MRSA §702, sub-§1, ¶C**, as enacted by PL 2017, c. 409, Pt. A, §6,
28 is amended to read:

29 C. May not be placed or otherwise used within ~~1,000~~ 300 feet of ~~the property line of~~
30 ~~a preexisting public or private school, except that, if a municipality by ordinance or~~
31 ~~other regulation, or, in the case of a town, plantation or township located in the~~
32 ~~unorganized and deorganized areas, the Maine Land Use Planning Commission,~~
33 ~~chooses to prohibit the placement or use of signs or advertising by or on behalf of a~~
34 ~~marijuana establishment at distances greater than or less than 1,000 feet but not less~~
35 ~~than 500 feet from the property line of a preexisting public or private school, that~~
36 ~~greater or lesser distance applies.~~ The distance must be measured from the main
37 entrance of the marijuana establishment to the main entrance of the public or private
38 school by the ordinary course of travel. As used in this paragraph, "school" has the
39 same meaning as in section 402, subsection 2, paragraph A; and

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SUMMARY

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This bill changes the distance requirements under the adult use marijuana provisions from 1,000 feet to 300 feet for a marijuana establishment to a preexisting public or private school and the method by which the distance is measured to make the adult use marijuana distance requirements consistent with liquor law requirements.

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