



131st MAINE LEGISLATURE

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Legislative Document

No. 1691

S.P. 678

In Senate, April 18, 2023

**An Act to Provide Parity in State Energy Rate Relief Payments and
Tax Exemptions for Maine Cannabis Businesses**

Reference to the Committee on Taxation suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator DAUGHTRY of Cumberland.
Cosponsored by Speaker TALBOT ROSS of Portland and
Senators: CHIPMAN of Cumberland, GROHOSKI of Hancock, HICKMAN of Kennebec,
Representative: ROEDER of Bangor.

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

2 **Sec. 1. 22 MRSA §2425-A, sub-§10, ¶K** is enacted to read:

3 K. A fee may not be assessed under this subsection for an annual registration of a
4 caregiver if in the prior year the caregiver has been determined compliant with the laws
5 and rules of this chapter upon an inspection of the caregiver by the department under
6 section 2430-G, subsection 2.

7 **Sec. 2. 22 MRSA §2430, sub-§3,** as amended by PL 2021, c. 181, Pt. A, §2, is
8 further amended to read:

9 **3. Uses of the fund.** The fund may be used for expenses of the department to
10 administer this chapter or for research in accordance with subsection 5, as allocated by the
11 Legislature. The fund must be used to provide monetary relief to a person who contributed
12 funds to the fund under subsection 2, paragraph A or B in an amount equal to any relief or
13 assistance funds received by another person but not received by the person because the
14 person is engaged in a cannabis-related business activity as defined in Title 28-B, section
15 102, subsection 7-A.

16 **Sec. 3. 28-B MRSA §102, sub-§7-A** is enacted to read:

17 **7-A. Cannabis-related business activity.** "Cannabis-related business activity" means
18 a lawful activity carried out by a commercial or business person or entity involving
19 cannabis under this Title or Title 22, chapter 558-C.

20 **Sec. 4. 28-B MRSA §1101, sub-§2, ¶D** is enacted to read:

21 D. Money credited to the fund must be paid to a licensee in an amount equal to any
22 relief or assistance paid to another person but not received by the licensee because the
23 licensee is engaged in a cannabis-related business activity.

24 **Sec. 5. 36 MRSA §2013, sub-§1, ¶A,** as amended by PL 2019, c. 7, §1, is further
25 amended to read:

26 A. "Commercial agricultural production" means commercial production of crops,
27 maple syrup, honey, plants, trees, compost, cannabis and livestock.

28 **Sec. 6. Energy rate relief payments.** A cannabis business under the Maine
29 Revised Statutes, Title 22, chapter 558-C or Title 28-B, chapter 1 that is otherwise eligible
30 for relief under Resolve 2021, chapter 168, section 2 but did not receive relief because the
31 business is engaged in a cannabis-related business activity, as defined in Title 28-B, section
32 102, subsection 7-A, must be reimbursed for an amount equal to the amount of relief the
33 business would have received if the business was not engaged in a cannabis-related
34 business activity. A business engaged in a cannabis-related business activity under Title
35 22, chapter 558-C must be reimbursed from the Medical Use of Cannabis Fund under Title
36 22, section 2430. A business engaged in a cannabis-related business activity under Title
37 28-B, chapter 1 must be reimbursed from the Adult Use Cannabis Public Health and Safety
38 and Municipal Opt-in Fund under Title 28-B, section 1101.

39 **SUMMARY**

40 This bill requires that cannabis businesses be paid monetary relief and assistance out
41 of either the Medical Use of Cannabis Fund or the Adult Use Cannabis Public Health and

1 Safety and Municipal Opt-in Fund in an amount equal to relief that was provided to other
2 businesses in the State but not the cannabis businesses because they were engaged in a
3 cannabis-related business activity, including energy relief for electricity costs provided to
4 businesses in the State in 2022 and 2023. This bill also clarifies that the sales tax exemption
5 for products used in commercial agriculture production also applies to the production of
6 cannabis and waives the annual registration fee for a caregiver if in the prior year the
7 caregiver has been determined compliant with the laws and rules of the medical cannabis
8 provisions upon inspection by the Department of Health and Human Services.