

## STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

H.P. 818 - L.D. 1129

**An Act To Clarify Certain Provisions of the Maine Medical Use of Marijuana Act****Be it enacted by the People of the State of Maine as follows:****Sec. 1. 22 MRSA §2422, sub-§1-F** is enacted to read:

**1-F. Caregiver retail store.** "Caregiver retail store" means a store that has attributes generally associated with retail stores, including, but not limited to, a fixed location, a sign, regular business hours, accessibility to the public and sales of goods or services directly to a consumer, and that is used by a registered caregiver to offer marijuana plants or harvested marijuana for sale to qualifying patients.

**Sec. 2. 22 MRSA §2423-A, sub-§2, ¶P**, as enacted by PL 2017, c. 452, §4, is amended to read:

P. Operate one caregiver retail store to sell harvested marijuana to qualifying patients for the patients' medical use in accordance with this chapter; and

**Sec. 3. 22 MRSA §2423-A, sub-§3, ¶C-1**, as enacted by PL 2017, c. 452, §4, is amended to read:

C-1. A caregiver operating under paragraph C may engage in the conduct authorized in subsection 2, except that a caregiver operating under paragraph C may not:

- (1) Cultivate marijuana plants for more than 2 members of the family or members of the same household;
- (2) Cultivate more than 6 mature marijuana plants and 12 immature marijuana plants for each qualifying patient who has designated the caregiver to cultivate marijuana plants on the patient's behalf;
- (3) Possess more than 8 pounds of harvested marijuana;
- (4) Sell marijuana plants or harvested marijuana at wholesale under subsection 2, paragraph K-1;

- (5) Use a pesticide under subsection 2, paragraph J;
- (6) Operate a caregiver retail store under subsection 2, paragraph P; or
- (7) Organize as a business entity under subsection 2, paragraph Q.

**Sec. 4. 22 MRSA §2424, sub-§4, ¶B,** as enacted by PL 2017, c. 452, §10, is amended to read:

B. Minimum security requirements for registered caregivers operating caregiver retail stores pursuant to section ~~242-A~~ 2423-A, subsection 2, paragraph P and registered dispensaries and any additional location at which a dispensary cultivates marijuana plants for medical use by qualifying patients.

**Sec. 5. 22 MRSA §2429-D,** as enacted by PL 2017, c. 452, §18, is amended to read:

#### **§2429-D. Local regulation**

Pursuant to the home rule authority granted under the Constitution of Maine, Article VIII, Part Second and Title 30-A, section 3001, a municipality may regulate registered caregivers, ~~registered~~ caregiver retail stores operating pursuant to section 2423-A, subsection 2, paragraph P, registered dispensaries, marijuana testing facilities and manufacturing facilities.

A municipality may not:

**1. Registered caregivers.** Prohibit or limit the number of registered caregivers;

**2. Stores, dispensaries, testing and manufacturing facilities.** Prohibit ~~registered~~ caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities that are operating with municipal approval in the municipality prior to the effective date of this section. For purposes of this subsection, "municipal approval" means an examination and approval of the store, dispensary or facility for the use of the premises consistent with conduct authorized under this chapter, including, but not limited to, a conditional use approval or site plan approval. "Municipal approval" does not include issuance of a building, electrical or other similar permit or authorization that does not address the use of the structure or facility for which the permit or authorization is issued; or

**3. Municipal authorization needed.** Authorize ~~registered~~ caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities that are not operating on the effective date of this section to operate in the municipality unless the municipal legislative body, as defined in Title 30-A, section 2001, subsection 9, has voted to adopt or amend an ordinance or approve a warrant article allowing ~~registered~~ caregiver retail stores, registered dispensaries, marijuana testing facilities or manufacturing facilities, as applicable, to operate within the municipality.