

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND SEVENTEEN

—
H.P. 1129 - L.D. 1636

**An Act To Allow Municipalities To Establish Ordinances Banning or
Restricting Marijuana Caregivers within 500 Feet of a School**

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

Whereas, while the Maine Medical Use of Marijuana Act prohibits the location of medical marijuana dispensaries within 500 feet of a school, there are no such prohibitions placed on primary caregivers who cultivate medical marijuana for qualifying patients; and

Whereas, without restrictions, the current law could be construed to permit a number of caregivers to be located in the same facility, each cultivating up to 6 marijuana plants; and

Whereas, the location of such a facility close to a school may pose a risk to minors passing that facility on their way to and from school, which is a risk that needs to be addressed as soon as possible; and

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

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

Sec. 1. 22 MRSA §2423-A, sub-§13, is enacted to read:

13. Moratorium ordinance. Notwithstanding any other provision of this chapter or any other provision of law to the contrary, a municipality may adopt and enforce an ordinance that establishes a moratorium on the location within 500 feet of the property line of a preexisting public or private school of new facilities or expansion of existing facilities where registered primary caregivers cultivate marijuana plants. This subsection

does not affect any permit that has been granted to a registered primary caregiver prior to the effective date of this subsection.

This subsection is repealed July 1, 2018. Any ordinances adopted pursuant to this subsection are not authorized and are void after July 1, 2018.

Sec. 2. Authority to report out legislation. The Joint Standing Committee on Health and Human Services is authorized to report out legislation relating to municipal ordinances regarding the location of facilities where registered primary caregivers cultivate marijuana plants within 500 feet of a school to the Second Regular Session of the 128th Legislature.

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