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VETERANS AND LEGAL AFFAIRS

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
132ND LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1268, L.D. 1897, “An Act Regarding Sun-grown Cultivation in the Medical Use and Adult Use Cannabis Industries”

Amend the bill by striking out the title and substituting the following:

'An Act Regarding Outdoor Cultivation in the Medical Use Cannabis and Adult Use Cannabis Industries'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 22 MRSA §2423-A, sub-§2, ¶A, as amended by PL 2017, c. 452, §4 and PL 2021, c. 669, §5, is further amended to read:

A. Possess all harvested cannabis produced by the caregiver's cultivation of cannabis plants under paragraph B or B-1;

Sec. 2. 22 MRSA §2423-A, sub-§2, ¶B, as amended by PL 2021, c. 662, §10 and c. 669, §5, is further amended to read:

B. Cultivate up to 30 mature cannabis plants, up to 60 immature cannabis plants and unlimited seedlings or cultivate up to 500 square feet of mature plant canopy, up to 1,000 square feet of immature plant canopy and unlimited seedlings. A caregiver may not cultivate immature plants by canopy if cultivating mature plants by plant count and may not cultivate immature plants by plant count if cultivating mature plants by canopy. A caregiver cultivating cannabis under this paragraph may not cultivate cannabis under paragraph B-1;

Sec. 3. 22 MRSA §2423-A, sub-§2, ¶B-1 is enacted to read:

B-1. Notwithstanding paragraph B, for a caregiver who cultivates mature cannabis plants only in an outdoor cultivation area, cultivate between the months of March and December up to 150 mature cannabis plants, up to 300 immature cannabis plants and unlimited seedlings or cultivate between the months of March and December up to 2,500 square feet of mature plant canopy, up to 5,000 square feet of immature plant canopy and unlimited seedlings. A caregiver may not cultivate immature plants by

1 canopy if cultivating mature plants by plant count and may not cultivate immature
2 plants by plant count if cultivating mature plants by canopy. A caregiver cultivating
3 cannabis under this paragraph may not cultivate cannabis under paragraph B. For the
4 purposes of this paragraph, "outdoor cultivation area" means a cultivation area that
5 primarily uses sunlight for the cultivation of mature cannabis plants;

6 **Sec. 4. 22 MRSA §2423-A, sub-§3, ¶B**, as amended by PL 2023, c. 679, Pt. A,
7 §6, is further amended to read:

8 B. A caregiver cultivating cannabis plants for a patient's medical use ~~must~~ shall keep
9 all plants in a cultivation area unless the plants are being transported pursuant to
10 subsection 2, paragraph O. The cultivation area must be enclosed and equipped with
11 locks or other security devices that permit access only by a person authorized to have
12 access to the area under this chapter.

13 (1) The caregiver shall ensure that the mature cannabis plants, immature cannabis
14 plants and seedlings cultivated by the caregiver are kept in separate cultivation
15 areas. The cultivation area for mature cannabis plants and the cultivation area for
16 immature cannabis plants and seedlings may be located on separate parcels or tracts
17 of land, whether the parcels or tracts of land are contiguous or noncontiguous, as
18 long as the caregiver discloses the locations of all cultivation areas to the
19 department. The caregiver may not maintain more than 2 cultivation areas. The
20 caregiver shall ensure that the cultivation area for mature cannabis plants and the
21 cultivation area for immature cannabis plants comply with the plant count or plant
22 canopy limitations of subsection 2, paragraph B or B-1.

23 (2) Access to cultivation areas is limited to the caregiver, except that ~~an elected~~
24 ~~official invited by the caregiver for the purpose of providing education to the~~
25 ~~elected official on cultivation by the caregiver~~, emergency services personnel, an
26 assistant of a caregiver or a cannabis testing facility ~~or~~, a person who needs to gain
27 access to a cultivation area in order to perform repairs or maintenance or to do
28 construction may access a cultivation area to provide those professional services
29 while under the direct supervision of the caregiver or another person under the
30 direct supervision of the caregiver.

31 **Sec. 5. 22 MRSA §2425-A, sub-§10, ¶B-1** is enacted to read:

32 B-1. There is an annual registration fee for a caregiver who cultivates cannabis plants
33 on behalf of a qualifying patient pursuant to section 2423-A, subsection 2, paragraph
34 B-1.

35 (1) For a caregiver registering based upon plant count, the fee may not be less than
36 \$50 or more than \$240 for each group of up to 30 mature cannabis plants cultivated
37 by the caregiver. The caregiver shall notify the department of the number of
38 cannabis plants the caregiver cultivates in the calendar year, which may not exceed
39 the maximum number established in section 2423-A, subsection 2, paragraph B-1.

40 (2) For a caregiver registering based upon plant canopy, the fee may not be less
41 than \$50 or more than \$1,500 for a total mature plant canopy of 2,500 square feet
42 or less in the calendar year.

43 **Sec. 6. 28-B MRSA §102-A, sub-§32-A** is enacted to read:

32-A. Indoor cultivation. "Indoor cultivation" means cultivation of mature cannabis plants that does not meet the definition of "outdoor cultivation" under subsection 41-A.

Sec. 7. 28-B MRSA §102-A, sub-§41-A is enacted to read:

41-A. Outdoor cultivation. "Outdoor cultivation" means cultivation of mature cannabis plants between the months of March and December in a cultivation area that primarily uses sunlight for such cultivation.

Sec. 8. 28-B MRSA §602, sub-§1, as amended by PL 2023, c. 679, Pt. B, §§113 and 114, is further amended by amending the first blocked paragraph to read:

The office may temporarily waive mandatory testing requirements under this section for any contaminant or factor for which the office has determined that there exists no licensed testing facility in the State capable of and certified to perform such testing. Rules adopted by the office under paragraph C may not establish a testing limit for total yeast and mold below 100,000 colony-forming units per gram.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment replaces the bill and changes the title. The amendment amends the Maine Medical Use of Cannabis Act and the Cannabis Legalization Act by:

1. Defining "outdoor cultivation area" under the medical use of cannabis provisions and "outdoor cultivation" and "indoor cultivation" under the adult use cannabis provisions;

2. Increasing the number of cannabis plants and expanding the area of canopy of cannabis plants that a medical use caregiver who cultivates mature cannabis plants only in an outdoor cultivation area and who registers based on plant count or canopy may cultivate. The amendment establishes a registration fee for such caregivers;

3. Removing the provision of law under the medical use of cannabis provisions that authorizes an elected official invited by a caregiver for the purpose of providing education to the elected official on cultivation to access a cultivation area and providing instead that any person under the direct supervision of the caregiver may access a cultivation area; and

4. Clarifying that rules adopted by the Department of Administrative and Financial Service, Office of Cannabis Policy under the mandatory testing requirements for adult use cannabis and adult use cannabis products may not establish a testing limit for total yeast and mold below 100,000 colony-forming units per gram.

FISCAL NOTE REQUIRED

(See attached)