

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

H.P. 441 - L.D. 605

An Act To Amend the Marijuana Legalization Act

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

Whereas, businesses regulated under the State's adult use marijuana program are in the early stages of operation and the changes provided in this bill will help those businesses get started; and

Whereas, this bill removes the October 1, 2021 repeal of the law providing for licensee self-sampling of marijuana for the purpose of mandatory testing; and

Whereas, this bill needs to take effect before the expiration of the 90-day period in order to take effect before October 1, 2021; 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. 28-B MRSA §102, sub-§35, as amended by PL 2019, c. 528, §19, is further amended to read:

35. Marijuana trim. "Marijuana trim" means any part of a marijuana plant, whether processed or unprocessed, that is not marijuana flower or a marijuana seed except that "marijuana trim" does not include the stalks or roots of the marijuana plant. "Marijuana trim" does not include any part of a hemp plant as defined in Title 7, section 2231, subsection 1-A, paragraph D.

Sec. 2. 28-B MRSA §102, sub-§37, as amended by PL 2019, c. 528, §19, is further amended to read:

37. Mother plant. "Mother plant" means a ~~mature~~ marijuana plant that is used solely for the taking of seedling cuttings. "Mother plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

Sec. 3. 28-B MRSA §108, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

§108. Awareness and education on public health and safety matters programs

The department shall develop and implement or facilitate the development and implementation by a public or private entity of: programs, initiatives and campaigns focused on increasing the awareness and education of the public on health and safety matters and focused on addressing public and behavioral health needs relating to the use of marijuana and marijuana products, including, but not limited to, programs, initiatives and campaigns focused on preventing and deterring the use of marijuana and marijuana products by persons under 21 years of age; and public and behavioral health programs and services related to the use of marijuana and marijuana products, including, but not limited to, evidence-based substance use disorder prevention and treatment programs, early intervention services and grants for schools or community-based organizations that provide programs for youth substance use disorder education and prevention as described under Title 5, chapter 521. Programs, initiatives and campaigns developed and implemented pursuant to this section may be funded with revenue from the Adult Use Marijuana Public Health and Safety Fund established in section 1101. The department may adopt rules to implement this section.

Sec. 4. 28-B MRSA §109, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

§109. Enhanced training for criminal justice agencies and municipalities

The department shall develop and implement or facilitate the development and implementation by a public or private entity of programs or initiatives providing enhanced training for criminal justice agencies and municipal officers and employees in the requirements and enforcement of this chapter and the rules adopted pursuant to this chapter, including, but not limited to, programs providing grants to regional or local criminal justice agencies or municipalities to train law enforcement officers and, if applicable, municipal officers and employees in inspections, investigations, searches, seizures, forfeitures and personal use and home cultivation allowances under this chapter and chapter 3 and the rules adopted pursuant to this chapter and; in drug recognition procedures and the general enforcement of the State's motor vehicle and criminal laws relating to the use of marijuana; and in restorative justice, jail diversion, marijuana industry-specific technical assistance and mentoring for economically disadvantaged persons in communities disproportionately affected by high rates of arrest and incarceration for marijuana-related offenses. Training programs or initiatives ~~for criminal justice agencies~~ developed and implemented pursuant to this section may be funded with revenue from the Adult Use Marijuana Public Health and Safety Fund established in section 1101. The department may adopt rules to implement this section.

Sec. 5. 28-B MRSA §205, sub-§4, ¶A, as amended by PL 2019, c. 231, Pt. B, §1, is further amended by amending subparagraph (4) to read:

- (4) If the application is for any license except a sample collector license or a license to operate a testing facility, register with the State Tax Assessor pursuant to Title 36, section 1754-B to collect and remit the sales tax on the sale of adult use marijuana and adult use marijuana products imposed under Title 36, section 1811; and

Sec. 6. 28-B MRSA §604-A, sub-§2, as enacted by PL 2019, c. 676, §15, is repealed.

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