

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-TWO

—  
H.P. 873 - L.D. 1195

**An Act To Assist Qualifying Municipalities To Defray the Costs of Opting In  
To Permit Adult Use Marijuana Establishments**

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

**Sec. 1. 28-B MRSA §108**, as amended by PL 2021, c. 226, §3, is further amended to read:

**§108. Public health and safety 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 and Municipal Opt-in Fund established in section 1101. The department may adopt rules to implement this section.

**Sec. 2. 28-B MRSA §109**, as amended by PL 2021, c. 226, §4, is further 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; in drug recognition procedures and the general enforcement of the State's motor vehicle 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 developed and implemented pursuant to this section may be funded with revenue from the Adult Use Marijuana Public Health and Safety and Municipal Opt-in Fund established in section 1101. The department may adopt rules to implement this section.

**Sec. 3. 28-B MRSA c. 1, sub-c. 11**, as amended, is amended by amending the subchapter headnote to read:

## SUBCHAPTER 11

### **ADULT USE MARIJUANA PUBLIC HEALTH AND SAFETY AND MUNICIPAL OPT-IN FUND; ADULT USE MARIJUANA REGULATORY COORDINATION FUND**

**Sec. 4. 28-B MRSA §1101**, as amended by PL 2019, c. 231, Pt. B, §6, is further amended to read:

#### **§1101. Adult Use Marijuana Public Health and Safety and Municipal Opt-in Fund**

The Adult Use Marijuana Public Health and Safety and Municipal Opt-in Fund, referred to in this section as "the fund," is established as a dedicated, nonlapsing fund within the department for the purposes specified in this section.

**1. Sources of fund.** The State Controller shall credit to the fund:

A. Money received from the excise tax imposed on the sale of adult use marijuana pursuant to Title 36, chapter 723 in the amount required under Title 36, section 4925;

B. Money received from the sales tax imposed on the sale of adult use marijuana and adult use marijuana products by a marijuana store licensee to a consumer pursuant to Title 36, section 1811 in the amount required under Title 36, section 1818;

C. All money from any other source, whether public or private, designated for deposit into or credited to the fund; and

D. Interest earned or other investment income on balances in the fund.

**2. Uses of fund.** Money credited to the fund pursuant to subsection 1 may be used by the department as provided in this subsection.

A. ~~No more than 50% of all money~~ Money credited to the fund may be expended by the department to fund public health and safety awareness and education programs, initiatives, campaigns and activities relating to the sale and use of adult use marijuana and adult use marijuana products conducted in accordance with section 108 by the department, another state agency or department or any other public or private entity.

B. ~~No more than 50% of all money~~ Money credited to the fund may be expended by the department to fund enhanced law enforcement training programs relating to the sale and use of adult use marijuana and adult use marijuana products for local, county and state law enforcement officers conducted in accordance with section 109 by the department, the Maine Criminal Justice Academy, another state agency or department or any other public or private entity.

C. Money credited to the fund may be expended by the department to provide reimbursement to a municipality for qualifying expenses incurred as a result of the municipality's opting to permit the operation of some or all adult use marijuana establishments within the municipality. For the purposes of this paragraph, "qualifying expenses" means legal fees and costs associated with the drafting and adoption of a warrant article or the adoption or amendment of an ordinance, including the conduct of a town meeting or election, by a municipality that opted to permit the operation of some or all marijuana establishments within the municipality. Each municipality may receive funds, not to exceed \$20,000, only once for the reimbursement of qualifying expenses in accordance with this paragraph. Nothing in this paragraph may be construed to require the department to reimburse qualifying expenses incurred by a municipality if the department determines there are insufficient funds available to provide reimbursement. Under no circumstances may a municipality submit an initial application for the reimbursement of qualifying expenses more than 3 years after the municipality adopts a warrant article or adopts or amends an ordinance to allow for the operation of some or all adult use marijuana establishments within the municipality. The department may adopt rules to implement and administer the reimbursement of qualifying expenses to municipalities. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The department may not reimburse qualifying expenses under this paragraph accrued after July 1, 2027.

**3. Application of fund to departmental expenses prohibited.** Money in the fund may not be applied to any expenses incurred by the department in implementing, administering or enforcing this chapter.

**Sec. 5. 36 MRSA §1818**, as enacted by PL 2017, c. 409, Pt. D, §4, is amended to read:

**§1818. Tax on adult use marijuana and adult use marijuana products**

All sales tax revenue collected pursuant to section 1811 on the sale of adult use marijuana and adult use marijuana products must be deposited into the General Fund, except that, on or before the last day of each month, the State Controller shall transfer 12% of the sales tax revenue received by the assessor during the preceding month pursuant to section 1811 to the Adult Use Marijuana Public Health and Safety and Municipal Opt-in Fund established under Title 28-B, section 1101.

**Sec. 6. 36 MRSA §4925**, as enacted by PL 2019, c. 231, Pt. B, §7, is amended to read:

**§4925. Application of excise tax revenue**

All excise tax revenue collected by the assessor pursuant to this chapter on the sale of adult use marijuana must be deposited into the General Fund, except that, on or before the

last day of each month, the assessor shall transfer 12% of the excise tax revenue received during the preceding month pursuant to this chapter to the Adult Use Marijuana Public Health and Safety and Municipal Opt-in Fund established in Title 28-B, section 1101.