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Date: (Filing No. S- )

**VETERANS AND LEGAL AFFAIRS**

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE  
SENATE  
129TH LEGISLATURE  
SECOND SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 741, L.D. 2091, Bill, “An Act To Amend the Marijuana Legalization Act and Make Other Implementing Changes”

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

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

**Whereas,** licenses to authorize the cultivation, manufacturing, testing and sale of adult use marijuana and adult use marijuana products are expected to be issued in the near future; and

**Whereas,** the changes to the adult use marijuana laws in this Act must take effect prior to the issuance of such licenses; 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:

**COMMITTEE AMENDMENT**



1 industry-specific technical assistance and mentoring for economically disadvantaged  
2 persons in communities disproportionately affected by high rates of arrest and  
3 incarceration for marijuana-related offenses. Training programs or initiatives ~~for criminal~~  
4 ~~justice agencies~~ developed and implemented pursuant to this section may be funded with  
5 revenue from the Adult Use Marijuana Public Health and Safety Fund established in  
6 section 1101. The department may adopt rules to implement this section.

7 **Sec. 6. 28-B MRSA §501, sub-§6**, as amended by PL 2019, c. 231, Pt. B, §3, is  
8 further amended to read:

9 **6. Limited authorization for sale of marijuana plants ~~and~~, marijuana seeds,**  
10 **marijuana flower and marijuana trim by registered caregiver or registered**  
11 **dispensary to cultivation facility licensee.** Notwithstanding any other provision of law  
12 to the contrary and subject to the requirements and restrictions of this section, for a period  
13 starting on the date that the department issues the first active cultivation facility license  
14 under section 205, subsection 4 and, except as provided in paragraph A, ending ~~2 years~~  
15 ~~after that date~~ January 1, 2021, a registered caregiver or a registered dispensary may sell  
16 marijuana plants ~~and~~, marijuana seeds, marijuana flower and marijuana trim to a  
17 cultivation facility licensee that is also a registered caregiver or a registered dispensary  
18 and a cultivation facility licensee that is also a registered caregiver or a registered  
19 dispensary may purchase marijuana plants ~~and~~, marijuana seeds, marijuana flower and  
20 marijuana trim from a registered caregiver or a registered dispensary. The department  
21 shall post on its publicly accessible website information regarding the date on which the  
22 department issues the first active cultivation facility license ~~and the date that is 2 years~~  
23 ~~after the date the first active cultivation facility license is issued.~~

24 A. Beginning on the date that the department issues the first active cultivation  
25 facility license and, except as provided by the department by rule pursuant to this  
26 paragraph, ending ~~2 years after that date~~ January 1, 2021, in an active cultivation  
27 facility license issued to any cultivation facility licensee that has demonstrated to the  
28 department's satisfaction that the licensee is also a registered caregiver or a registered  
29 dispensary, the department shall include language authorizing the licensee, at any  
30 time ~~within the licensee's first year of licensure~~ prior to January 1, 2021 or the  
31 expiration of the licensee's license, whichever is earlier, to purchase an unlimited  
32 number of marijuana plants and marijuana seeds and an unlimited amount of  
33 marijuana flower and marijuana trim from registered caregivers and registered  
34 dispensaries. ~~This~~ The department may by rule extend the end date for the general  
35 authorization under this subsection beyond January 1, 2021, except that the end date  
36 may not be extended by the department beyond January 1, 2022. In the event that the  
37 department adopts by rule an end date for the general authorization under this  
38 subsection that is later than January 1, 2021, beginning on the effective date of the  
39 rule, the department shall use that later end date in providing the specific  
40 authorization that may be granted pursuant to this paragraph to a cultivation facility  
41 licensee that is also a registered caregiver or a registered dispensary. The  
42 authorization under this paragraph may not be included in any cultivation facility  
43 license issued upon renewal under section 209.

44 B. A cultivation facility licensee authorized pursuant to paragraph A to purchase  
45 marijuana plants ~~and~~, marijuana seeds, marijuana flower and marijuana trim from  
46 registered caregivers and registered dispensaries that transacts such a purchase shall

1 pay to the State Tax Assessor the excise taxes imposed pursuant to Title 36, chapter  
2 723 on the sale of the marijuana plants ~~and~~, marijuana seeds, marijuana flower and  
3 marijuana trim. In addition to payment of the required excise taxes under this  
4 paragraph, the cultivation facility licensee shall provide the department with an  
5 accounting of the transaction, which must include information on the registered  
6 caregiver or registered dispensary from which the licensee purchased the marijuana  
7 plants ~~and~~, marijuana seeds, marijuana flower and marijuana trim; the number of  
8 mature marijuana plants, immature marijuana plants, seedlings and marijuana seeds  
9 purchased in the transaction; the amount, by weight, of marijuana flower and  
10 marijuana trim purchased in the transaction; and any other information required by  
11 the department by rule.

12 C. A cultivation facility licensee authorized pursuant to paragraph A to purchase  
13 marijuana plants ~~and~~, marijuana seeds, marijuana flower and marijuana trim from  
14 registered caregivers and registered dispensaries may purchase an unlimited number  
15 of marijuana plants and marijuana seeds and an unlimited amount of marijuana  
16 flower and marijuana trim from more than one registered caregiver or registered  
17 dispensary and may transact more than one purchase of ~~marijuana plants and~~  
18 ~~marijuana seeds~~ such items from a registered caregiver or registered dispensary. A  
19 registered caregiver or registered dispensary may not sell marijuana plants ~~and~~,  
20 marijuana seeds, marijuana flower or marijuana trim to more than one cultivation  
21 facility licensee authorized pursuant to paragraph A to purchase ~~marijuana plants and~~  
22 ~~marijuana seeds~~ such items from registered caregivers and registered dispensaries and  
23 may ~~not~~ transact more than one sale of ~~marijuana plants and marijuana seeds~~ such  
24 items to a cultivation facility licensee authorized to make such purchases pursuant to  
25 paragraph A.

26 D. A cultivation facility licensee that violates this subsection or the rules adopted  
27 pursuant to this subsection is subject to the imposition by the department of monetary  
28 penalties, a license revocation or suspension and an order directing the destruction of  
29 unauthorized marijuana plants ~~and~~, marijuana seeds, marijuana flower and marijuana  
30 trim pursuant to subchapter 8 in addition to any criminal or civil penalties that may be  
31 imposed pursuant to other applicable laws or rules. A registered caregiver or  
32 registered dispensary that violates ~~paragraph C~~ this subsection or the rules adopted  
33 pursuant to this subsection is subject to the revocation of its registration or other  
34 applicable penalty under the Maine Medical Use of Marijuana Act in addition to any  
35 criminal or civil penalties that may be imposed pursuant to other applicable laws or  
36 rules.

37 For the purposes of this subsection, "a cultivation facility licensee that is also a registered  
38 caregiver or a registered dispensary" means a cultivation facility licensee that shares a  
39 common officer, director, manager, general partner or direct financial interest with a  
40 registered caregiver or a registered dispensary.

41 The department shall adopt rules to implement this subsection. Rules adopted pursuant to  
42 this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter  
43 2-A.

44 This subsection is repealed January 1, 2022.

1           **Sec. 7. 28-B MRSA §902, sub-§1**, as enacted by PL 2017, c. 409, Pt. A, §6, is  
2 amended to read:

3           **1. Membership.** The commission consists of the following ~~15~~ 21 members:

4           A. Two members of the Senate, including members from each of the 2 parties  
5 holding the largest number of seats in the Legislature, appointed by the President of  
6 the Senate;

7           B. Two members of the House of Representatives, including members from each of  
8 the 2 parties holding the largest number of seats in the Legislature, appointed by the  
9 Speaker of the House of Representatives;

10          C. The Commissioner of Administrative and Financial Services or the  
11 commissioner's designee;

12          D. The Commissioner of Agriculture, Conservation and Forestry or the  
13 commissioner's designee;

14          E. The Commissioner of Health and Human Services or the commissioner's  
15 designee;

16          F. The Commissioner of Labor or the commissioner's designee;

17          G. The Commissioner of Public Safety or the commissioner's designee;

18          H. The following ~~3~~ 6 members, appointed by the President of the Senate:

19           (1) A representative of a statewide association representing prosecutors;

20           (2) A representative of a statewide association representing the medical  
21 marijuana industry; ~~and~~

22           (3) A member of the public; ~~and~~

23           (4) A member of the public with demonstrated expertise in the cultivation of  
24 marijuana or the manufacturing of marijuana concentrate and marijuana products;

25           (5) A representative of a statewide association representing defense attorneys;  
26 and

27           (6) A representative of a national association ensuring equality of rights for all  
28 persons; and

29          I. The following ~~3~~ 6 members, appointed by the Speaker of the House of  
30 Representatives:

31           (1) A representative of a statewide association representing the adult use  
32 marijuana industry;

33           (2) A member of the public with demonstrated expertise and credentials in  
34 public health policy; ~~and~~

35           (3) A member of the public;

36           (4) A qualifying patient;



1           2. Like the bill, it amends the definition of "marijuana trim" to exclude the stalks and  
2 roots of a marijuana plant.

3           3. Like the bill, it amends the definition of "seedling" to increase the size of what is  
4 considered a seedling from less than 6 inches in height and width to less than 12 inches in  
5 height and width.

6           4. It clarifies the scope of public health and safety programs to be implemented or  
7 facilitated by the Department of Administrative and Financial Services by including  
8 programs and services focused on public and behavioral health, to be funded through the  
9 Adult Use Marijuana Public Health and Safety Fund established under the Maine Revised  
10 Statutes, Title 28-B, section 1101. It also clarifies the scope of enhanced training for  
11 criminal justice agencies to be implemented or facilitated by the department by making  
12 eligible for that training municipal officials and employees and by including within that  
13 scope training regarding restorative justice, jail diversion, marijuana industry-specific  
14 technical assistance and mentoring for economically disadvantaged persons in  
15 communities disproportionately affected by high rates of arrest and incarceration for  
16 marijuana-related offenses, also to be funded through the Adult Use Marijuana Public  
17 Health and Safety Fund.

18           5. It amends the provision in the law that provides a limited authorization for the sale  
19 of marijuana plants and marijuana seeds by a registered caregiver or registered dispensary  
20 to a cultivation facility licensee as follows.

21           A. It expands this provision to authorize the sale of marijuana flower and marijuana  
22 trim in addition to marijuana plants and seeds, all of which are subject to payment of  
23 the adult use marijuana excise tax.

24           B. It removes the prohibition on a registered caregiver's or registered dispensary's  
25 conducting more than one sales transaction with a cultivation facility licensee under  
26 this provision.

27           C. It clarifies the end date of the period in which the authorization to make such  
28 purchases may be granted to a cultivation facility licensee by specifying that the end  
29 date is January 1, 2021; however, it provides that the Department of Administrative  
30 and Financial Services may by rule extend that end date beyond January 1, 2021 but  
31 not beyond January 1, 2022. It does not change the limitation that this authorization  
32 may be provided to a cultivation facility licensee only in an initial license and may  
33 not be provided in a license issued upon renewal.

34           D. It clarifies that the requirement that a cultivation facility licensee eligible for this  
35 authorization also be a registered caregiver or a registered dispensary means that the  
36 licensee must share a common officer, director, manager, general partner or direct  
37 financial interest with a registered caregiver or a registered dispensary.

38           E. It changes the department's rule-making authority relating to this provision from  
39 major substantive rulemaking to routine technical rulemaking.

40           F. It repeals the provision authorizing such purchases on January 1, 2022.

41 It also amends the tax laws relating to the adult use marijuana excise tax to incorporate  
42 the changes made to this limited authorization provision.

- 1           6. It amends the membership of the Marijuana Advisory Commission established  
2 under Title 28-B, section 901, increasing the number of members from 15 to 21.