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131st MAINE SENATE

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Testimony of Senator Brad Farrin
Presenting L.D. 410, An Act Regarding the Nuisance of Cannabis
Plants and Smoke in Residential Areas
Before the Veterans and Legal Affairs Committee
April 5, 2023

Senator Hickman, Representative Supica, and members of the Joint Standing Committee on Veterans and Legal Affairs: I am Senator Brad Farrin and I have the honor of representing the people of District 3, which includes towns in Kennebec, Somerset and Penobscot counties. I am before you today to present L.D. 410, *An Act Regarding the Nuisance of Cannabis Plants and Smoke in Residential Areas*.

Since the legalization of adult-use marijuana in the State of Maine, I have heard from many constituents, particularly in Somerset County, that have complained to me about the odor that comes from cannabis plants and smoke. The constituent I submitted this legislation for shared with me that he and his wife cannot enjoy their back porch many days without inhaling cannabis odors from nearby neighbors. While I recognize that we have legalized adult-use marijuana, I believe it's important that individuals are able to maintain a certain quality of life in their home or on their property. I also understand that the odors may impact one's ability to sell their home if an interested buyer is deterred by the smell.

This bill, which was submitted as a concept draft, has been amended to identify offensive cannabis odor as a public nuisance subject to civil violation. If an individual who resides or owns a business located within 100 yards of the source of odor files a complaint with law enforcement and the officer verifies the odor, the individual causing the nuisance would be subject to a fine. As proposed, the fines are in line with Maine safety belt violation fees: \$50 for the first offense, \$125 for the second, and \$250 for the third.

I recognize that individuals and businesses have gone through the process of becoming licensed under the medical and adult-use programs, and I want to make clear that license holders would not be subject to this legislation.

Thank you for your time and consideration.