



JANET T. MILLS
GOVERNOR

STATE OF MAINE
OFFICE OF CANNABIS POLICY
162 STATE HOUSE STATION
19 UNION STREET
FIRST FLOOR
AUGUSTA, MAINE 04333-0162

ADMINISTRATIVE & FINANCIAL SERVICES

KIRSTEN LC FIGUEROA
COMMISSIONER

OFFICE OF CANNABIS POLICY

JOHN HUDAK
DIRECTOR

January 25, 2024

Re: LD 2107, An Act Regarding Department of Education Reliance on Criminal Background Checks Required by the Department of Health and Human Services

Senator Rafferty, Representative Brennan, Members of the Joint Standing Committee on Education and Cultural Affairs:

We are writing today to make the committee aware of a technical issue with LD 2107, regarding those criminal history record checks conducted pursuant to 22 MRS § 2425-A(3-A). It is our understanding that this bill is intended to allow for the use of criminal history record checks conducted for Department of Health and Human Services (DHHS) purposes for Department of Education (DOE) purposes. However, Title 22, ch. 558-C, the Maine Medical Use of Cannabis Act, the chapter in Title 22 where Section 2425-A appears, is not administered by DHHS. Since 2019, the Maine Medical Use of Cannabis Program has been administered by the Department of Administrative and Financial Services (DAFS), as indicated in 22 MRS § 2422(2-A). Therefore, these are not records available to DOE from DHHS. Furthermore, DAFS is prohibited, pursuant to 22 MRS § 2425-A(3-A)(F) cannot be disclosed by the department for any other purpose than those identified in that section.

We thank the committee for its consideration and are happy to answer any questions you may have at the work session.