



Maine Municipal  
Association

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## Testimony of the Maine Municipal Association

### In Opposition to LD 1582, *An Act To Enact the Maine Psilocybin Services Act*

February 1, 2022

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Senator Claxton, Representative Meyer and members of the Health and Human Services Committee, my name is Kate Dufour and I am providing testimony in opposition to LD 1582 on behalf of the Maine Municipal Association.

Municipal officials strongly oppose enactment of LD 1582 for two reasons.

First, Maine is still grappling with the lingering regulatory, licensing, land use, and testing issues associated not only with the Adult Use Marijuana Act, but also with the Medical Use of Marijuana Act. The never-ending litany of unresolved issues places burdens on municipalities, particularly with respect to the medical program as underlying statutes afford municipalities limited regulatory oversight over medical caregivers. To add salt to the wound, to the extent revenues are generated by either medical or adult use sales, with exception to the related revenue distributed under the revenue sharing program, none are shared with municipalities hosting these industries.

Before Maine ventures down a path of legalizing a new medical industry, municipal officials strongly recommend that the Legislature settle all medical and adult use marijuana issues.

Second, unlike the adult use program, the psilocybin bill assumes services are authorized unless the community moves to prohibit the industry from operating within municipal boundaries. Not only does the path to opt-out of the program require approval by the legislative body – the town meeting or town or city council – the community’s residents must validate that decision at a subsequent statewide general election, which is held in November. The timing will enable providers to operate in communities before the voters, should they so decide, can put an end to the provision of these services. The opt-out approach proposed in LD 1582 puts the interests of the industry ahead of that of the residents who must bear the costs associated with bringing the measure to the legislative body and then to the electorate.

Compounding the municipal concern is the restrictions the bill places on local regulatory authority. Not only is the industry entitled by right to operate, until forced to stop by the two-step process mentioned above, municipalities can only adopt and enforce “reasonable regulations.” As further defined in LD 1582, municipal authority is limited to: (1) conditions on

the manufacturing of related products and services; (2) operating hours; (3) public access to licensed premises; and (4) limits on where premises may be located. The bill also states that municipalities may not: (1) require a provider to obtain a local operating license; (2) impose a tax or fee on the sale of products; or (3) prohibit more than one service center from locating in the municipality provided the distance between facilities is greater than 1,000.

Municipal officials urge you to oppose this bill out of respect for your residents and their ability to regulate activities within municipal boundaries.

Thank you for considering the municipal perspective on this issue.