

OFFICE OF POLICY AND LEGAL ANALYSIS

Date: 5-3-21

To: Veterans & Legal Affairs Committee

From: Sam Praver, Legislative Analyst

[LD 881, An Act To Make Technical Changes to the Maine Medical Use of Marijuana Act](#)

<p>Summary</p>	<p align="center">PART A</p> <p>1. It makes the following changes to definitions within the act:</p> <ul style="list-style-type: none"> ▪ It removes the following language from the definition of marijuana plant: “or their hybrids and the seeds of those plants.” ▪ It repeals and replaces the definition of immature marijuana plant to read: "Immature marijuana plant" means a marijuana plant that is not a mature marijuana plant or seedling. "Immature marijuana plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D. ▪ It amends the definition of seedling to read: “Seedling” means a marijuana plant or rooted cutting that is: <ul style="list-style-type: none"> A. Note flowering; B. Less than 18 inches in height; and C. Less than 18 inches in width <p align="center">PART B <i>(see note below)</i></p> <p>2. It requires a registered caregiver operating a caregiver retail store to acquire a separate registration certificate for the caregiver retail store and to pay a separate registration fee for the caregiver retail store.</p> <p>3. It creates an annual registration fee for a caregiver retail store of not less than \$50 and not more than \$240.</p> <p>4. It changes annual registration the fee for a caregiver who cultivates marijuana plants on behalf of a qualifying patient as follows:</p> <ul style="list-style-type: none"> ▪ For a caregiver registering based upon plant count, the fee may not be less than \$50 or more than \$240 for each group of up to 6 mature marijuana plants cultivated by the caregiver. ▪ For a caregiver registering based upon plant canopy, the fee may not be less than \$50 or more than \$1,500 for a total plant canopy of 500 square feet or less.
	<p align="center">LD 881</p> <p align="center">PART A</p> <p>Sec. A-1. 22 MRSA §2422, sub-§4-K, is amended to read:</p> <p>4-K. Marijuana plant. "Marijuana plant" means a plant of the genus Cannabis, including, but not limited to, Cannabis sativa, Cannabis indica and Cannabis ruderalis or their hybrids and the seeds of those plants. "Marijuana plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.</p>

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Sec. A-2. 22 MRSA §2422, sub-§4-N, is repealed and the following enacted in its place:

4-N. Immature marijuana plant. "Immature marijuana plant" means a marijuana plant that is not a mature marijuana plant or seedling. "Immature marijuana plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

Sec. A-3. 22 MRSA §2422, sub-§14-B, is amended to read:

14-B. Seedling. "Seedling" means a ~~nonflowering~~ marijuana plant or rooted cutting that ~~measures 24 inches or less from the base of the main plant stalk to the most distant point of the plant's leaf stems or branches.~~ is:

- A. Not flowering;
- B. Less than 18 inches in height; and
- C. Less than 18 inches in width.

PART B

Sec. B-1. 22 MRSA §2423-A, sub-§2, ¶P, is amended to read:

P. ~~Operate~~ Obtain a registration certificate from the department pursuant to section 2425-A, subsection 6 to operate one caregiver retail store to sell harvested marijuana to qualifying patients for the patients' medical use in accordance with this chapter; and

Sec. B-2. 22 MRSA §2425-A, sub-§2, is amended to read:

2. Required registration. A caregiver, other than a caregiver operating under section 2423-A, subsection 3, paragraph C, and an officer or director or assistant of a dispensary or a caregiver, other than a caregiver operating under section 2423-A, subsection 3, paragraph C, shall obtain a registry identification card in accordance with subsections 3, 4 and 5. A long-term care facility designated by a qualifying patient pursuant to section 2423-A, subsection 1, paragraph F-1, subparagraph (2), a caregiver retail store and a

4-N. (CONFLICT: Text as enacted by PL 2019, c. 331, §2) Immature marijuana plant. "Immature marijuana plant" means a nonflowering marijuana plant that measures more than 24 inches from the base of the main plant stalk to the most distant point of the plant's leaf stems or branches.

4-N. (CONFLICT: Text as enacted by PL 2019, c. 528, §16) Immature marijuana plant. "Immature marijuana plant" means a nonflowering marijuana plant that measures more than 24 inches from the base of the main plant stalk to the most distant point of the plant's leaf stems or branches. "Immature marijuana plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

14-B. Seedling. "Seedling" means a nonflowering marijuana plant or rooted cutting that measures 24 inches or less from the base of the main plant stalk to the most distant point of the plant's leaf stems or branches.

Re: PART B

[§2423-A. Authorized conduct for the medical use of marijuana](#)

2. Caregiver. Except as provided in section 2426, a caregiver, for the purpose of assisting a qualifying patient with the patient's medical use of marijuana, may engage in the following authorized conduct if the caregiver is a resident of the State, is 21 years of age or older and has not been convicted of a disqualifying drug offense:

...

P. Operate one caregiver retail store to sell harvested marijuana to qualifying patients for the patients' medical use in accordance with this chapter; and

[§2425-A. Registry identification cards and registration certificates](#)

2. Required registration. A caregiver, other than a caregiver operating under section 2423-A, subsection 3, paragraph C, and an officer or director or assistant of a dispensary or a caregiver, other than a caregiver operating under section 2423-A, subsection 3, paragraph C, shall obtain a registry identification card in accordance with subsections 3, 4 and 5. A long-term care facility designated by a qualifying patient pursuant to section 2423-A, subsection 1, paragraph F-1, subparagraph (2) and a dispensary shall obtain a registration certificate in accordance with subsections 6, 7 and 8.

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dispensary shall obtain a registration certificate in accordance with subsections 6, 7 and 8.

Sec. B-3. 22 MRSA §2425-A, sub-§6, is amended to read:

6. Application for registration certificate; qualifications. The department shall register and issue a registration certificate to an applicant who submits a complete application that meets the requirements of this subsection. An application must include, as applicable:

- A. The annual fee required pursuant to subsection 10;
- B. Evidence of the applicant's registration with the Secretary of State and evidence that the applicant is in good standing with the Secretary of State; ~~and~~
- C. The name, address and date of birth of each officer or director of the applicant;
- D. If the applicant is a registered caregiver applying for a registration certificate for a caregiver retail store, the physical address of the caregiver retail store; and
- E. Evidence of compliance with all local regulations in accordance with section 2429-D as applicable.

Sec. B-4. 22 MRSA §2425-A, sub-§8, is amended to read:

8. Requirements for issuance of registration certificates. A registration certificate expires one year after the date of issuance. The certificate must contain, as applicable:

- A. The name of the certificate holder;
- B. The date of issuance and expiration date of the registration certificate;
- C. A random identification number that is unique to the certificate holder;
- D. The physical address of the certificate holder and, if the certificate holder is a caregiver retail store, the physical address of the caregiver retail store, or if the certificate holder is a dispensary, the physical address of one additional location, if any, where marijuana plants will be cultivated; and
- E. A clear designation showing whether the certificate holder is allowed under this chapter to cultivate marijuana plants.

6. Application for registration certificate; qualifications. The department shall register and issue a registration certificate to an applicant who submits a complete application that meets the requirements of this subsection. An application must include, as applicable:

- A. The annual fee required pursuant to subsection 10;
- B. Evidence of the applicant's registration with the Secretary of State and evidence that the applicant is in good standing with the Secretary of State; and
- C. The name, address and date of birth of each officer or director of the applicant.

8. Requirements for issuance of registration certificates. A registration certificate expires one year after the date of issuance. The certificate must contain:

- A. The name of the certificate holder;
- B. The date of issuance and expiration date of the registration certificate;
- C. A random identification number that is unique to the certificate holder;
- D. The physical address of the certificate holder and, if the certificate holder is a dispensary, the physical address of one additional location, if any, where marijuana plants will be cultivated; and
- E. A clear designation showing whether the certificate holder is allowed under this chapter to cultivate marijuana plants.

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Sec. B-5. 22 MRSA §2425-A, sub-§10, ¶B, is repealed and the following enacted in its place:

B. There is an annual registration fee for a caregiver who cultivates marijuana plants on behalf of a qualifying patient pursuant to section 2423-A, subsection 2, paragraph B.

(1) For a caregiver registering based upon plant count, the fee may not be less than \$50 or more than \$240 for each group of up to 6 mature marijuana plants cultivated by the caregiver. The caregiver shall notify the department of the number of marijuana plants the caregiver cultivates.

(2) For a caregiver registering based upon plant canopy, the fee may not be less than \$50 or more than \$1,500 for a total plant canopy of 500 square feet or less.

Sec. B-6. 22 MRSA §2425-A, sub-§10, ¶B-1 is enacted to read:

B-1. There is an annual registration fee for a caregiver retail store, which may not be less than \$50 or more than \$240.

Sec. B-7. 22 MRSA §2425-A, sub-§11, ¶E is enacted to read:

E. A caregiver retail store shall notify the department in writing if the physical address of the caregiver retail store changes.

10. Fees. The department shall adopt rules to establish fees in accordance with this subsection. The fees must be credited to the Medical Use of Marijuana Fund pursuant to section 2430. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

...

B. There is an annual registration fee for a caregiver who cultivates marijuana plants on behalf of a qualifying patient pursuant to section 2423-A, subsection 2, paragraph B. The fee may not be less than \$50 or more than \$240 for each group of up to 6 mature marijuana plants cultivated by the caregiver. The caregiver shall notify the department of the number of marijuana plants the caregiver cultivates.

Notes	At the public hearing the department requested an amendment to remove all of Part B from the bill.
Fiscal Impact	Fiscal impact information not available at time of writing.