



# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 766

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H.P. 519

House of Representatives, March 5, 2015

**An Act To Require a Medical Marijuana Primary Caregiver  
Cultivating in a Residential Building To Obtain an Electrical Permit**

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Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative COREY of Windham.  
Cosponsored by Senator DUTREMBLE of York and  
Representatives: BEAR of the Houlton Band of Maliseet Indians, BEAVERS of South  
Berwick, GOLDEN of Lewiston, HERRICK of Paris, KINNEY of Limington, MALABY of  
Hancock, RUSSELL of Portland, Senator: CUSHING of Penobscot.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §2423-A, sub-§3, ¶B,** as amended by PL 2013, c. 501, §1, is  
3 further amended to read:

4 B. A primary caregiver who has been designated by a patient to cultivate marijuana  
5 for the patient's medical use must keep all plants in an enclosed, locked facility unless  
6 the plants are being transported because the primary caregiver is moving or taking the  
7 plants to the primary caregiver's own property in order to cultivate them. The  
8 primary caregiver shall use a numerical identification system to enable the primary  
9 caregiver to identify marijuana plants cultivated for a patient. Access to the  
10 cultivation facility is limited to the primary caregiver, except that an elected official  
11 invited by the primary caregiver for the purpose of providing education to the elected  
12 official on cultivation by the primary caregiver, emergency services personnel or a  
13 person who needs to gain access to the cultivation facility in order to perform repairs  
14 or maintenance or to do construction may access the cultivation facility to provide  
15 those professional services while under the direct supervision of the primary  
16 caregiver.

17 (1) After January 1, 2016, a primary caregiver may not cultivate marijuana in a  
18 residential building unless that caregiver has obtained from an electrical inspector  
19 approved by the department certification that any electrical system used in the  
20 cultivation is in compliance with applicable electrical codes and is adequate and  
21 safe for the amount of cultivation that is occurring in the residential building,  
22 considering the number of qualifying patients who have designated the primary  
23 caregiver to cultivate marijuana on their behalf. The department by rule shall  
24 establish standards for certification and for approval of an electrical inspector,  
25 who must be either the municipal electrical inspector who issues permits pursuant  
26 to Title 30-A, section 4173 for the municipality in which the residential building  
27 is located or a qualified electrician. The department shall approve the municipal  
28 electrical inspector of a municipality that agrees to participate in the required  
29 inspection and certification. Rules adopted under this subparagraph are routine  
30 technical rules as defined in Title 5, chapter 375, subchapter 2-A.

31 **Sec. 2. 22 MRSA §2425, sub-§1-B** is enacted to read:

32 **1-B. Primary caregiver that cultivates marijuana.** After January 1, 2016, an  
33 applicant for a registry identification card who is a primary caregiver and who has been  
34 designated by a patient to cultivate marijuana for the patient's medical use and who will  
35 cultivate the marijuana in a residential building must submit to the department the  
36 electrical inspector certification required under section 2423-A, subsection 3, paragraph  
37 B.

38 **SUMMARY**

39 This bill amends the Maine Medical Use of Marijuana Act to require, beginning  
40 January 2, 2016, a primary caregiver to obtain an electrical permit from an electrical  
41 inspector prior to cultivating in a residential building.