

**Marijuana-related Legislation that May Be Considered
During the Second Regular Session of the 129th Legislature**

Carry overs – Special Appropriations Table (AFA)

- **LD 335**, An Act To Require the State To Distribute 25 Percent of Adult Use Marijuana Retail Sales and Excise Tax Revenue to Generating Municipalities (Warren)
 - This bill allocates 25% of the gross sales and excise tax revenue generated by adult use marijuana establishments in the State to the municipalities where the revenue was generated and makes a reduction to the amount deposited in the Adult Use Marijuana Public Health and Safety Fund.
 - The committee amendment changes from 25% to 12% the amount of sales tax and excise tax revenue generated by adult use marijuana establishments required to be transferred to the municipalities where the revenue was generated after the transfer to the Adult Use Marijuana Public Health and Safety Fund and the deduction of state administrative costs. The amendment also adds an appropriations and allocations section reflecting a General Fund cost of \$83,520 in FY 19-20 and \$104,600 in FY 20-21 for personnel costs in transferring the specified sales and excise tax revenues to generating municipalities.
 - The floor amendment makes technical changes to the bill that are necessitated by recent changes to the laws governing adult use marijuana that were enacted in Public Law 2019, chapter 231.

- **LD 1322**, An Act To Provide Equitable Tax Treatment to State-licensed Marijuana Businesses (Jorgensen)
 - This bill expands the list of marijuana businesses that are licensed by the State and are eligible to take deductions otherwise allowed under the state income tax laws to include adult use marijuana establishments and testing facilities and medical marijuana manufacturing facilities. This bill also corrects lettering conflicts created when separate public laws enacted new paragraphs with the same letter designations by reallocating the later enacted versions.
 - The committee amendment provides a General Fund appropriation for personnel and administrative costs of \$197,672 in FY 19-20 and \$199,644 in FY 20-21.

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Carry overs – in committee

Agriculture, Conservation and Forestry

- **LD 569**, Resolve, Directing the Department of Agriculture, Conservation and Forestry To Submit to the United States Secretary of Agriculture a Plan for Continued Implementation of the Maine Industrial Hemp Program (Hickman)
 - This resolve directs the Department of Agriculture, Conservation and Forestry to submit a plan to the United States Secretary of Agriculture to continue Maine's industrial hemp program and to regulate hemp in accordance with federal requirements.

Criminal Justice and Public Safety

- **LD 141**, An Act To Promote Highway Safety by Restricting the Use of Marijuana and Possession of an Open Marijuana Container in a Vehicle (Corey)
 - This bill makes it a traffic infraction to consume marijuana or a marijuana product, to possess an open container of marijuana or a marijuana product in the passenger area of a vehicle or to place marijuana or a marijuana product in a container labeled by the manufacturer of the container as containing a nonmarijuana substance. This bill is similar to the provisions of law making consuming alcohol or having an open container of alcohol in the passenger area of a vehicle a traffic infraction.
- **LD 1492**, An Act To Reform Drug Sentencing Laws (Beebe-Center)
 - This bill amends the Maine Criminal Code provisions regarding scheduled drugs by relaxing or eliminating provisions regarding trafficking and furnishing, unlawful possession of scheduled drugs, trafficking, furnishing or possession of hypodermic apparatuses, use of drug paraphernalia and trafficking or furnishing of imitation drugs. Sec. 15 of the bill repeals the Class E crime of unlawful possession of marijuana.

Taxation

- **LD 1076**, An Act To Account for Market Change in the Adult Use Marijuana Excise Tax (Berry)
 - This bill changes the excise tax on adult use marijuana cultivation facilities from a tax based on quantity to a tax based on a percentage of the average market price for the category of marijuana sold. The bill requires the average market price to be determined quarterly by the Department of Administrative and Financial Services. The tax would not apply to sales by a cultivation facility to a licensee with which it is vertically integrated.

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Veterans and Legal Affairs

- **LD 720**, An Act Regarding Maine's Adult Use Marijuana Law (Pierce)
 - This bill is a concept draft that proposes to amend the laws governing adult use marijuana in the State.

- **LD 999**, An Act To Allow Medical and Adult Use Marijuana Stores To Share a Common Space (Miramant)
 - This bill allows the use of a shared facility for retail sale of adult use marijuana and adult use marijuana products and sale of marijuana and marijuana products for medical use, as long as the adult use marijuana and adult use marijuana products are sold using a different cash register than that used for sales of marijuana and marijuana products for medical use.

- **LD 1081**, An Act To Impose Further Restrictions on where Marijuana May Be Smoked (Cyrway)
 - This bill expands the restrictions on where marijuana may be smoked to include: (1) areas in which tobacco smoking is prohibited; (2) private residences or private property when a person under 18 years of age is present; and (3) vehicles in which a person under 18 years of age is present.

- **LD 1432**, An Act To Improve the Adult Use Marijuana Laws (Pierce)
 - This bill amends the adult use marijuana law in several ways. First, it repeals all residency requirements regarding licensure and operations as of June 1, 2021. Second, the bill clarifies that, during the first two years after the first active cultivation facility license is issued, a dispensary or caregiver may transfer both harvested marijuana and marijuana products to an adult use marijuana establishment controlled by that dispensary or caregiver during the Joint Standing Committee on Veterans and Legal Affairs first year of that marijuana establishment's operation. Third, this bill allows a marijuana store licensee that is also a registered caregiver or a registered dispensary to sell or offer for sale both adult use marijuana and adult use marijuana products within the same facility or building in which the licensee also sells or offers for sale marijuana or marijuana products to qualifying patients.

- **LD 1444**, An Act To Make the Distance to Schools for Marijuana Establishments Consistent with the Liquor Laws (Madigan)
 - This bill changes the distance requirements under the adult use marijuana provisions from 1,000 feet to 300 feet for a marijuana establishment to a preexisting public or private school and the method by which the distance is

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measured to make the adult use marijuana distance requirements consistent with liquor law requirements.

- **LD 1545**, An Act Regarding the Testing of Adult Use Marijuana and Marijuana Products (Miramant)
 - This bill amends the provisions regarding the testing of adult use marijuana and adult use marijuana products by: (1) requiring that any testing conform to any applicable state or federal process, protocol or standard for the testing of tobacco; and (2) providing that if a testing facility does not test adult use marijuana or an adult use marijuana product within five days of receiving the marijuana or marijuana product from a licensee, the licensee may sell or distribute the marijuana or marijuana product if the marijuana or marijuana product is labeled "Untested." If upon testing a testing facility determines that the marijuana or marijuana product exceeds the maximum level of allowable contamination for any contaminant that is injurious to health and for which testing is required, the testing facility is required to immediately notify the Department of Administrative and Financial Services and the licensee. The licensee is required to recover, document, quarantine and hold the marijuana or marijuana product for either remediation and retesting or destruction by the department.

- **LD 1621**, An Act To Allow Delivery of Adult Use Marijuana and Adult Use Marijuana Products by an Approved Marijuana Store (Jackson)
 - This bill amends the Marijuana Legalization Act to allow delivery of adult use marijuana and adult use marijuana products by a marijuana store if the municipality or town, plantation or township in which the marijuana store is located authorizes the operation of delivery services and the marijuana store receives approval to operate the delivery service from the Department of Administrative and Financial Services. A marijuana store is allowed to maintain a separate storage facility approved by the department in which to store product or from which to conduct delivery service operations and which may be located in the same municipality as the retail facility of the marijuana store or another municipality subject to the approval of the other municipality. Delivery services are subject to the same testing, tracking, labeling and packaging requirements as retail sales of adult use marijuana and marijuana products, delivery service drivers are subject to the same requirements as the employees of a marijuana store, delivery recipients are subject to the same customer restrictions regarding age and state of intoxication as marijuana store customers and delivery service vehicles are subject to the same inspection requirements as the marijuana store's licensed premises and may not have an occupant under 21 years of age during the course of a delivery.

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- **LD 1837**, Resolve, Regarding Legislative Review of Chapter 1: Adult Use Marijuana, a Late-filed Major Substantive Rule of the Department of Administrative and Financial Services, Office of Marijuana Policy (DAFS bill)
 - This resolve provides for legislative review of Chapter 1: Adult Use Marijuana, a major substantive rule of the Department of Administrative and Financial Services, office of marijuana policy that was filed outside the legislative rule acceptance period. The substance of this resolve was incorporated in Public Law 2019, chapter 491 (LD 719).

New legislation – agency requests

- **LR 2999**, An Act To Amend the Marijuana Legalization Act (DAFS)
- **LR 3000**, An Act To Amend the Maine Medical Use of Marijuana Act (DAFS)
- **LR 3001**, An Act To Improve Compliance with Office of Marijuana Policy Registration and Licensure Requirements (DAFS)

New legislation – legislator requests*

- **LR 2610**, An Act To Require Warning Labels Regarding the Danger of Psychosis from the Consumption of Marijuana Products (Cyrway)
 - ** *Indexed to VLA*
 - ** *Not approved for introduction based on 10/23 Council vote (4-6 FAILS)*
- **LR 2636**, An Act To Expunge Records for Certain Cannabis Convictions (Miramant)
 - ** *Indexed to JUD*
 - ** *Not approved for introduction based on 10/23 Council vote (0-10 FAILS)*
- **LR 2682**, Resolve, Directing DHHS To Study the Average Potency of Medical Marijuana and Illegal Marijuana, the Adverse Health Effects of Marijuana Use and the Adverse Physical Effect of Using Vaping Devices to Inhale Marijuana (Cooper)
 - ** *Indexed to HHS*
 - ** *Not approved for introduction based on 10/23 Council vote (4-6 FAILS)*
- **LR 2683**, An Act To Establish Energy Efficiency Standards for the Marijuana Industry (Woodsome)
 - ** *Indexed to VLA*
 - ** *Not approved for introduction based on 10/23 Council vote (4-6 FAILS)*

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- **LR 2775**, An Act To Make Amendments to the Laws Governing Adult Use and Medical Marijuana To Increase Consistency and Safety (Jackson)
** *Indexed to VLA*
** *Approved for introduction based on 10/23 Council vote (6-4 PASSES)*

- **LR 2806**, An Act To Amend the Laws Governing Hemp to Specifically Authorize the Interstate and International Sale and Transfer of Hemp (DeVeau)
** *Indexed to ACF*
** *Not approved for introduction based on 10/23 Council vote (4-6 FAILS)*

- **LR 2837**, An Act To Prohibit the Addition of Tetrahydrocannabinol and of Cannabidiol to Liquids Used in Vaping Devices (Hutchins)
** *Indexed to HHS*
** *Not approved for introduction based on 10/23 Council vote (4-6 FAILS)*

- **LR 2871**, An Act To Study Strategies for Increasing Uniformity of Hemp Testing (Roberts)
** *Indexed to ACF*
** *Not approved for introduction based on 10/23 Council vote (3-7 FAILS)*

- **LR 2888**, An Act To Clarify Local Regulation of Medical Marijuana Facilities (Pouliot)
** *Indexed to HHS*
** *Not approved for introduction based on 10/23 Council vote (2-8 FAILS)*

- **LR 2940**, An Act Regarding the Manufacture and Taxation of Marijuana (Claxton)
** *Indexed to TAX*
** *Not approved for introduction based on 10/23 Council vote (0-10 FAILS)*

- **LR 2943**, An Act To Improve the Medical Marijuana Laws Regarding the Transfer of Plants, Regulation Standards and Retail Sales Requirements (Claxton)
** *Indexed to HHS*
** *Not approved for introduction based on 10/23 Council vote (3-7 FAILS)*

- **LR 3074**, An Act To Allow an Adult Use Marijuana Store or Manufacturing Facility during Its First 90 Days after Licensure To Purchase Adult Use Marijuana Products from a Registered Caregiver or Dispensary (O'Neil)
** *Indexed to VLA*
** *Not approved for introduction based on 10/23 Council vote (1-9 FAILS)*

* Note that all legislator-filed bill requests during the Second Regular Session are subject to approval by the Legislative Council. The Council met on October 23rd, 2019 to consider requests for new legislation (outcomes noted above) and will meet again on November 21, 2019 to consider any appeals from legislators whose proposals were rejected at the Council's October 23rd meeting.