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STATE OF MAINE  
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE  
COMMITTEE ON VETERANS AND LEGAL AFFAIRS

TO: Senator Susan Deschambault, Chair  
Representative Charlotte Warren, Chair  
Joint Standing Committee on Criminal Justice and Public Safety

FROM: Senator Louis Luchini, Chair <sup>LL</sup>  
Representative John Schneck, Chair <sup>JS</sup>  
Joint Standing Committee on Veterans and Legal Affairs

DATE: July 10, 2020

RE: Joint Rule 319 review of LD 2002, An Act To Improve Compliance with  
Department of Administrative and Financial Services, Office of Marijuana  
Policy Registration and Licensure Requirements

The Joint Standing Committee on Veterans and Legal Affairs is requesting the Criminal Justice and Public Safety Committee's review of the majority report amendment<sup>1</sup> to LD 2002, *An Act To Improve Compliance with Department of Administrative and Financial Services, Office of Marijuana Policy Registration and Licensure Requirements* (DAFS bill) pursuant to Joint Rule 319. For reference, attached to this memorandum is a copy of the original version of the bill as well as a copy of the majority report amendment to the bill.

Although we understand that your reviewing authority under Joint Rule 319 is limited to the impact of proposed new crimes or increased criminal penalties on the criminal justice system, we would like to provide you with some context regarding the new crimes proposed in LD 2002, as amended. The majority report amendment to LD 2002 makes a number of technical changes to the original bill, which amends the medical marijuana and adult use marijuana laws to allow the Department of Administrative and Financial Services, office of marijuana policy to use for identification purposes the social security numbers that it already collects for taxation purposes from applicants for registry identification cards or registration certificates under the medical marijuana laws and from applicants for individual identification cards under the adult use marijuana laws.

As explained to the VLA Committee, the office of marijuana policy intends to use those social security numbers that it already collects to ensure that each individual is not issued more than one registry identification card, registration certificate or individual application card. That office noted

<sup>1</sup> Majority report members (OTP-AM) = Ackley, Cooper, Cyrway, Dolloff, Hanington, Herbig, Hubbell, Luchini, McCreight, Schneck, Strom; Minority report members (ONTP) = Andrews, Hickman.

that federal law requires specific statutory authorization for its employees to use those collected social security numbers for that specified purpose even though they are already collecting and in possession of those same social security numbers.

Both sections A-3 and B-1 of the bill, as amended, provide that:

“A public official or an employee or agent of the office of marijuana policy within the [Department of Administrative and Financial Services] may not inspect, review, divulge, make known in any manner or otherwise use an individual’s social security number for any purpose other than the conduct of the official duties [related to the identification purposes described in those sections]. A person who intentionally or knowingly violates this subparagraph commits a Class E crime.”

Thank you for reviewing these proposed new crimes pursuant to Joint Rule 319. Please let us know if you require any additional information.

cc: Members, Veterans and Legal Affairs Committee

ORIGINAL LD



# 129th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2020

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Legislative Document

No. 2002

H.P. 1418

House of Representatives, January 8, 2020

**An Act To Improve Compliance with Department of Administrative  
and Financial Services, Office of Marijuana Policy Registration and  
Licensure Requirements**

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Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 203.

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

*Robert B. Hunt*

ROBERT B. HUNT  
Clerk

Presented by Representative BAILEY of Saco.





1 **SUMMARY**

2 This bill does the following.

3 Part A authorizes the Department of Administrative and Financial Services to collect  
4 and use the social security numbers of applicants to ensure that only one registry  
5 identification card is issued to each participant under the Maine Medical Use of  
6 Marijuana Act.

7 Part B authorizes the office of marijuana policy within the Department of  
8 Administrative and Financial Services to collect and use the social security numbers of  
9 applicants to ensure that only one individual identification card is issued to each  
10 individual identification card holder under the Marijuana Legalization Act.

MAJORITY REPORT  
AMENDMENT

L.D. 2002

Date: (Filing No. H- )

VETERANS AND LEGAL AFFAIRS

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
129TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT " " to H.P. 1418, L.D. 2002, Bill, "An Act To Improve Compliance with Department of Administrative and Financial Services, Office of Marijuana Policy Registration and Licensure Requirements"

Amend the bill in Part A in section 3 in paragraph L by striking out all of subparagraph (2) (page 2, lines 6 to 15 in L.D.) and inserting the following:

'(2) Social security numbers provided to the department pursuant to subsection 3 may be used by the office of marijuana policy within the department to verify the identity of each applicant for a registry identification card. A public official or an employee or agent of the office of marijuana policy within the department may not inspect, review, divulge, make known in any manner or otherwise use an individual's social security number for any purpose other than the conduct of the official duties described in this section. A person who intentionally or knowingly violates this subparagraph commits a Class E crime.'

Amend the bill in Part B in section 1 in §106 by striking out all of subsection 3 (page 2, lines 32 to 41 in L.D.) and inserting the following:

'3. Social security number disclosure required. Prior to issuing or renewing an individual identification card to a natural person pursuant to this section, the department shall require the person to disclose to the department the person's social security number to allow the department to verify the identity of the individual identification card holder. A public official or an employee or agent of the office of marijuana policy within the department may not inspect, review, divulge, make known in any manner or otherwise use any individual's social security number for any purpose other than the conduct of the official duties described in this section. A person who intentionally or knowingly violates this subsection commits a Class E crime.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

COMMITTEE AMENDMENT

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**SUMMARY**

This amendment, which is the majority report of the committee:

1. Clarifies that a public official or employee or agent of the Department of Administrative and Financial Services, office of marijuana policy who inspects, reviews, divulges, makes known in any manner or otherwise uses any individual's social security number for any purpose other than the conduct of official duties commits a Class E crime if such conduct is intentional or knowing. Under the bill, such violation is based on conduct described as willful; and

2. Strikes from the bill provisions requiring the dismissal from office of a public official or employee or agent of the office of marijuana policy who willfully uses an individual's social security number for an unauthorized purpose.





Approved: 03/09/20 *MRC*

# 129th MAINE LEGISLATURE

LD 2002

LR 3001(02)

**An Act To Improve Compliance with Department of Administrative and Financial Services, Office of Marijuana Policy Registration and Licensure Requirements**

**Fiscal Note for Bill as Amended by Committee Amendment " "**

**Committee: Veterans and Legal Affairs**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - General Fund  
Minor revenue increase - General Fund  
Minor revenue increase - Other Special Revenue Funds

### Correctional and Judicial Impact Statements

Establishes new Class E crimes

The additional workload associated with the minimal number of new cases filed in the court system does not require additional funding at this time.

The collection of additional fine and/or fee revenue will increase General Fund and dedicated revenue by minor amounts.

No appropriations/allocations section required.