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Proposed amendment
Roberts/Trundy

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COMMITTEE AMENDMENT "" to H.P. 873, L.D. 1195, "An Act to Increase Funding to Qualifying Municipalities by Sharing Adult Use Marijuana Sales and Excise Tax Revenue"

Amend the bill by striking out the title and substituting the following:

NEW TITLE: 'An Act to Assist Qualifying Municipalities To Defray the Costs of Opting In to Permit Adult Use Marijuana Establishments'

Amend the bill by striking out everything after the title and inserting the following:

'Sec. 1. 28-B MRSA § 1101, as amended by PL 2019, c. 231, Pt. B, § 6 is amended as follows:

§1101. Adult Use Marijuana Public Health and Safety and Municipal Opt-in Fund

The Adult Use Marijuana Public Health and Safety and Municipal Opt-in Fund, referred to in this section as "the fund," is established as a dedicated, nonlapsing fund within the department for the purposes specified in this section.

1. Sources of fund. The State Controller shall credit to the fund:

A. Money received from the excise tax imposed on the sale of adult use marijuana pursuant to Title 36, chapter 723 in the amount required under Title 36, section 4925;

B. Money received from the sales tax imposed on the sale of adult use marijuana and adult use marijuana products by a marijuana store licensee to a consumer pursuant to Title 36, section 1811 in the amount required under Title 36, section 1818;

C. All money from any other source, whether public or private, designated for deposit into or credited to the fund; and

D. Interest earned or other investment income on balances in the fund.

2. Uses of fund. Money credited to the fund pursuant to subsection 1 may be used by the department as provided in this subsection.

A. ~~No more than 50% of all m~~ Money credited to the fund may be expended by the department to fund public health and safety awareness and education programs, initiatives, campaigns and activities relating to the sale and use of adult use marijuana and adult use marijuana products conducted in accordance with section 108 by the department, another state agency or department or any other public or private entity.

~~B. No more than 50% of all m~~ Money credited to the fund may be expended by the department to fund enhanced law enforcement training programs relating to the sale and use of adult use marijuana and adult use marijuana products for local, county and state law enforcement officers conducted in accordance with section 109 by the department, the Maine Criminal Justice Academy, another state agency or department or any other public or private entity.

C. Money credited to the fund may be expended by the department to provide reimbursement to qualifying municipalities for qualifying expenses incurred as a result of the municipalities' efforts to opt in to permit the operation of adult use marijuana establishments within the municipality in accordance with subchapter 4 of this chapter. For the purposes of this subsection "qualifying municipality" means a municipality as defined in Title 30-A, section 2001, subsection 8 that opts in to permit the operation of adult use marijuana establishments within the municipality on or after July 1, 2022 in accordance with subchapter 4 of this chapter or a municipality that opted to permit within the municipality the operation of cultivation facilities, products manufacturing facilities or marijuana testing facilities, but not marijuana stores, prior to July 1, 2022. For the purposes of this subchapter "qualifying expenses" means legal fees and costs associated with the drafting and adoption of a warrant article or the adoption or amendment of an ordinance, including the conduct of a town meeting or election, incurred on or after July 1, 2022 by a qualifying municipality that does opt in on or after July 1, 2022 to permit the operation of some or all marijuana establishments in that municipality and legal fees and costs associated with the drafting and adoption of a warrant article or the adoption or amendment of an ordinance to permit the operation of marijuana stores within a municipality that opted to permit within the municipality the operation of cultivation facilities, products manufacturing facilities or marijuana testing facilities, but not marijuana stores, prior to July 1, 2022. Each qualifying municipality may receive funds, not to exceed \$20,000, only once for the reimbursement of qualifying expenses in accordance with this paragraph. Nothing in this paragraph shall be construed to require the department to reimburse qualifying expenses incurred by a qualifying municipality if the balance of the fund is below \$250,000. Under no circumstances may a qualifying municipality submit an initial application for the reimbursement of qualifying expenses more than 3 years after the qualifying municipality adopts a warrant article or adopts or amends an ordinance to allow for the operation of some or all adult use marijuana establishments within the municipality. The department may adopt rules to implement and administer the reimbursement of qualifying expenses to qualifying municipalities. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 327, subchapter 2-A. The department shall not reimburse qualifying expenses under this paragraph accrued after July 1, 2027.

3. Application of fund to departmental expenses prohibited. Money in the fund may not be applied to any expenses incurred by the department in implementing, administering or enforcing this chapter.

SUMMARY

This bill changes the name of the Adult Use Marijuana Public Health and Safety Fund to the Adult Use Marijuana Public Health and Safety and Municipal Opt-in Fund and expands the authorized uses of that fund to include reimbursement to qualifying municipalities for qualifying expenses related to the municipality's efforts to opt in to the permit the operation of adult use marijuana establishments within the municipality. The department shall not reimburse qualifying expenses accrued after July 1, 2027.