



129th MAINE LEGISLATURE

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Legislative Document

No. 1129

H.P. 818

House of Representatives, March 7, 2019

An Act To Clarify Certain Provisions of the Maine Medical Use of Marijuana Act

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 JORGENSEN of Portland.
Cosponsored by Senator DESCHAMBAULT of York and
Representatives: BRENNAN of Portland, COREY of Windham, HYMANSON of York,
PIERCE of Falmouth.

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

2 **Sec. 1. 22 MRSA §2422, sub-§1-F** is enacted to read:

3 **1-F. Caregiver retail store.** "Caregiver retail store" means a location other than the
4 permanent residence of a registered caregiver or a qualifying patient from which a
5 registered caregiver provides marijuana for medical use to a qualifying patient. For
6 purposes of this subsection, "permanent residence" has the same meaning as in Title 36,
7 section 681, subsection 3.

8 **Sec. 2. 22 MRSA §2423-A, sub-§2, ¶P,** as enacted by PL 2017, c. 452, §4, is
9 amended to read:

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

12 **Sec. 3. 22 MRSA §2423-A, sub-§3, ¶C-1,** as enacted by PL 2017, c. 452, §4, is
13 amended to read:

14 C-1. A caregiver operating under paragraph C may engage in the conduct authorized
15 in subsection 2, except that a caregiver operating under paragraph C may not:

- 16 (1) Cultivate marijuana plants for more than 2 members of the family or members
17 of the same household;
- 18 (2) Cultivate more than 6 mature marijuana plants and 12 immature marijuana
19 plants for each qualifying patient who has designated the caregiver to cultivate
20 marijuana plants on the patient's behalf;
- 21 (3) Possess more than 8 pounds of harvested marijuana;
- 22 (4) Sell marijuana plants or harvested marijuana at wholesale under subsection 2,
23 paragraph K-1;
- 24 (5) Use a pesticide under subsection 2, paragraph J;
- 25 (6) Operate a caregiver retail store under subsection 2, paragraph P; or
- 26 (7) Organize as a business entity under subsection 2, paragraph Q.

27 **Sec. 4. 22 MRSA §2424, sub-§4, ¶B,** as enacted by PL 2017, c. 452, §10, is
28 amended to read:

29 B. Minimum security requirements for registered caregivers operating caregiver
30 retail stores pursuant to section ~~242-A~~ 2423-A, subsection 2, paragraph P and
31 registered dispensaries and any additional location at which a dispensary cultivates
32 marijuana plants for medical use by qualifying patients.

33 **Sec. 5. 22 MRSA §2429-D, sub-§2,** as enacted by PL 2017, c. 452, §18, is
34 amended to read:

35 **2. Stores, dispensaries, testing and manufacturing facilities.** Prohibit registered
36 caregiver retail stores, registered dispensaries, marijuana testing facilities and

1 manufacturing facilities that are operating with municipal approval in the municipality
2 prior to the effective date of this section. For purposes of this subsection, "municipal
3 approval" means a specific examination and approval of the underlying use of the store,
4 dispensary or facility, including a conditional use approval, site plan approval or issuance
5 of a marijuana-specific business license. "Municipal approval" does not include issuance
6 of a building, electrical or other similar permit that does not address the use of the
7 structure or facility for which the permit is issued; or

8 **SUMMARY**

9 This bill clarifies the Maine Medical Use of Marijuana Act by:

10 1. Standardizing the term "caregiver retail store" by creating a definition of the term
11 and replacing other variations of "retail store" in the Act with "caregiver retail store"; and

12 2. Defining "municipal approval" in the provisions regarding marijuana for medical
13 use caregiver retail stores, dispensaries and facilities operating before the effective date of
14 the Act as a specific examination and approval of the underlying use of the store,
15 dispensary or facility, including a conditional use approval, site plan approval or issuance
16 of a marijuana-specific business license and not including the issuance of a building,
17 electrical or other similar permit that does not address the use of the structure or facility
18 for which the permit was issued.