1	L.D. 88	
2	Date: (Filing No. H-)	
3	VETERANS AND LEGAL AFFAIRS	
4	Reproduced and distributed under the direction of the Clerk of the House.	
5	STATE OF MAINE	
6	HOUSE OF REPRESENTATIVES	
7	128TH LEGISLATURE	
8	FIRST REGULAR SESSION	
9 10	COMMITTEE AMENDMENT "" to H.P. 66, L.D. 88, Bill, "An Act To Delay the Implementation of Certain Portions of the Marijuana Legalization Act"	
11	Amend the bill by striking out all of section 1 and inserting the following:	
12	'Sec. 1. 7 MRSA §2442, sub-§5, as enacted by IB 2015, c. 5, §1, is repealed.	
13 14	Sec. 2. 7 MRSA §2442, sub-§22, as enacted by IB 2015, c. 5, §1, is amended to read:	
15 16	22. Marijuana. "Marijuana" means cannabis <u>the leaves</u> , <u>stems</u> , <u>flowers</u> and <u>seeds</u> of <u>all species of the plant genus cannabis</u> , <u>whether growing or not</u> .	
17	Sec. 3. 7 MRSA §2442, sub-§22-A is enacted to read:	
18 19 20 21 22	22-A. Marijuana concentrate. "Marijuana concentrate" means the resin extracted from any part of the plant genus cannabis and every compound, manufacture, salt, derivative, mixture or preparation from such resin, including hashish. In determining the weight of marijuana concentrate, the weight of any other ingredient combined with marijuana to prepare a marijuana product may not be included.	
23 24	Sec. 4. 7 MRSA §2442, sub-§34, as enacted by IB 2015, c. 5, §1, is amended to read:	
25 26 27	34. Retail marijuana. "Retail marijuana" means <u>cannabis</u> <u>marijuana or marijuana</u> <u>concentrate</u> that is cultivated, manufactured, distributed or sold by a licensed retail marijuana establishment or retail marijuana social club.	
28	Sec. 5. 7 MRSA §2443, as enacted by IB 2015, c. 5, §1, is repealed.	
29 30	Sec. 6. 7 MRSA §2444, sub-§2, as enacted by IB 2015, c. 5, §1, is amended to read:	
31 32 33 34	2. Adoption of rules. The state licensing authority shall adopt rules for the proper regulation and control of the cultivation, manufacture, distribution, sale and testing of retail marijuana and retail marijuana products and for the enforcement of this chapter, not later than 9 months after the effective date of this Act, and shall adopt amended rules and	

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1 such special rules and make findings as necessary. For the purpose of adopting rules 2 pursuant to this subsection, the commissioner may delegate rule-making authority granted 3 under this section to the Commissioner of Administrative and Financial Services or the Commissioner of Public Safety, or both, if the commissioner determines that the expertise 4 and resources of those other departments would be beneficial in the development of the 5 rules and the enforcement of those rules. These rules are major substantive rules pursuant 6 to Title 5, chapter 375, subchapter 2-A. Rules must address but are not limited to the 7 8 following issues:

- A. The hearing of contested state license denials at a public hearing, employing full due process, including the subpoena power, the taking of oaths, the calling of witnesses and the maintaining of the confidentiality of customer records. Provision must be made for the conduct of appeal hearings following license actions, including, but not limited to, the denial of a license renewal or of an initial license and license revocation and suspension, and hearings contesting the imposition of a fine;
- B. The development of such forms, licenses, identification cards and applications as
 necessary for the administration of this chapter or of any of the rules adopted under
 this chapter;
- C. The preparation and transmission annually, in the form and manner prescribed by
 this chapter, of a report to the Legislature accounting for the efficient discharge of all
 responsibilities assigned by law or rules to the state licensing authority;
- D. Procedures consistent with this chapter for the issuance, renewal, suspension and revocation of licenses to operate retail marijuana establishments;
- E. Limits on the concentration of THC and other cannabinoids per serving in any retail marijuana product;
- F. Qualifications for licensure including, but not limited to, the requirement for a
 fingerprint-based criminal history record check for all owners, officers, managers,
 employees and other support staff of entities licensed pursuant to this chapter;
- G. Security requirements for any licensed premises under this chapter including, at a minimum, lighting, physical security, alarm requirements and other minimum procedures for internal control as determined necessary by the state licensing authority to properly administer and enforce the provisions of this chapter, including reporting requirements for changes, alterations or modifications to the licensed premises. Security requirements may not be unreasonably impracticable; and
- H. Securing and recording permission for a local fire department or the State Fire
 Marshal to conduct an annual fire inspection of a retail marijuana cultivation facility.'
- 36 Amend the bill by striking out all of sections 9 to 11 and inserting the following:
- 37 'Sec. 9. 7 MRSA §2452, sub-§1, as enacted by IB 2015, c. 5, §1, is amended to
 38 read:
- 39 **1. Person 21 years of age or older.** A person 21 years of age or older may:
- 40 A. Use, possess or transport marijuana accessories and <u>use, possess or transport</u> up to
 41 2 1/2 ounces of prepared marijuana <u>or a combination of marijuana and marijuana</u>
 42 <u>concentrate, which may include no more than 5 grams of marijuana concentrate;</u>

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1 2 3 4	B. Transfer or furnish, without remuneration, up to 2 1/2 ounces of marijuana <u>or a</u> combination of marijuana and marijuana concentrate, which may include no more than 5 grams of marijuana concentrate, and up to 6 immature plants or seedlings to a person who is 21 years of age or older;
5 6 7	C. Possess, grow, cultivate, process or transport up to 6 flowering marijuana plants, 12 immature plants and unlimited seedlings, and possess all the marijuana produced by the plants at the adult's residence;
8 9	D. <u>Purchase</u> <u>Beginning February 1, 2018, purchase</u> up to 2 1/2 ounces of retail marijuana and marijuana accessories from a retail marijuana store; and
10 11	E. Purchase Beginning February 1, 2018, purchase up to 12 seedlings or immature plants from a retail marijuana cultivation facility.
12	Sec. 10. 7 MRSA §2452, sub-§5, as enacted by IB 2015, c. 5, §1, is repealed.
13	Sec. 11. 7 MRSA §2452, sub-§§6 and 7 are enacted to read:
14 15	<u>6.</u> Personal use; violation. The following provisions apply to the personal consumption of marijuana and marijuana concentrate.
16 17	A. A person 21 years of age or older may consume marijuana or marijuana concentrate only if that person is:
18	(1) In a private residence, including curtilage; or
19 20 21	(2) On private property, not generally accessible by the public, and the person is explicitly permitted to consume marijuana or marijuana concentrate on the property by the owner of the property.
22 23 24	B. The operator of a vehicle on a public way or a passenger in the vehicle may not consume marijuana or marijuana concentrate. As used in this paragraph, "vehicle" has the same meaning as in Title 29-A, section 101, subsection 91.
25 26 27 28	C. A person may not consume marijuana or marijuana concentrate in a private residence or on private property used as a day care or baby-sitting service during the hours in which the residence or property is being operated as a day care or baby-sitting service.
29 30	D. A person may not consume marijuana or marijuana concentrate in a designated smoking area as provided under the Workplace Smoking Act of 1985.
31 32 33 34	A person who violates this subsection commits a civil violation for which a fine of not more than \$100 may be adjudged. This subsection may not be construed to shield any person from federal prosecution. This subsection may not be construed to allow any person to possess or consume marijuana on federal property.
35 36 37 38	7. Possession of certain edibles. Notwithstanding subsection 1, until February 1, 2018, a person may not possess edible retail marijuana products. This subsection does not apply to marijuana products purchased for medical use pursuant to Title 22, chapter 558-C.'
39	Amend the bill by striking out all of sections 14 and 15 and inserting the following:

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'Sec. 14. 15 MRSA §3103, sub-§1, ¶B, as amended by PL 2011, c. 464, §3, is 1 2 further amended to read: 3 B. Offenses involving illegal drugs or drug paraphernalia as follows: (1) The possession of a useable amount of marijuana, as provided in Title 22, 4 5 section 2383, subsection 1-A, unless the juvenile is authorized to possess marijuana for medical use pursuant to Title 22, chapter 558-C; 6 7 (2) The use or possession of drug paraphernalia as provided in Title 17-A, 8 section 1111-A, subsection 4-B; and 9 (3) Illegal transportation of drugs by a minor as provided in Title 22, section 10 2389, subsection 2; 11 Sec. 15. 22 MRSA §2383, sub-§1-A is enacted to read: 12 1-A. Marijuana possession by a person under 21 years of age. Except for possession of marijuana for medical use pursuant to chapter 558-C, a person who is under 13 21 years of age may not possess marijuana. A person who is 18, 19 or 20 years of age 14 who possesses a usable amount of marijuana commits a civil violation for which a fine of 15 not less than \$350 and not more than \$600 must be adjudged for possession of up to 1 1/4 16 ounces of marijuana and a fine of not less than \$700 and not more than \$1,000 must be 17 adjudged for possession of over 1 1/4 ounces to 2 1/2 ounces of marijuana, none of which 18 may be suspended. For the purposes of this section, marijuana has the same meaning as 19 in Title 17-A, section 1101, subsection 1.' 20 21 Amend the bill by relettering or renumbering any nonconsecutive Part letter or 22 section number to read consecutively. 23 **SUMMARY** 24 This amendment strikes the definition of "cannabis" from the Marijuana Legalization Act. It amends the definition of "marijuana" and adds a definition of "marijuana 25 concentrate." The amendment adds a provision to the Marijuana Legalization Act that 26 prohibits a person from possessing more than 5 grams of marijuana concentrate as part of 27 28 the 2 1/2 ounces of marijuana that a person may already legally possess under the Act. 29 This amendment strikes a provision in the bill that, prior to February 1, 2018, limited personal marijuana consumption to a private residence. The amendment provides that 30 31 personal marijuana consumption by a person 21 years of age or older may occur only in a private residence or on private property with permission of the owner. It further provides 32 33 that consumption may not occur in a motor vehicle or in a private residence that is used 34 as a day care or baby-sitting service during the hours of operation. 35 For the purpose of adopting major substantive rules relating to the retail framework

under the Marijuana Legalization Act, which are required to be submitted within 9
 months of the effective date of the Act, the amendment allows the Commissioner of
 Agriculture, Conservation and Forestry to delegate rule-making authority to the
 Commissioner of Administrative and Financial Services or the Commissioner of Public
 Safety if the Commissioner of Agriculture, Conservation and Forestry determines that the

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1 expertise and resources of those other departments would be beneficial in the 2 development of the rules.

3 The amendment also provides that possession of marijuana is a civil violation for a person who is 18, 19 or 20 years of age. The penalty for possession of up to 1 1/4 ounces 4 of marijuana is a fine no less than \$350 to no more than \$600. The penalty for possession 5 of up to 2 1/2 ounces is a fine of no less than \$700 and no more than \$1,000. These 6 penalties are the same as those that were in law for any nonjuvenile prior to being 7 repealed by Initiated Bill 2015, chapter 5. Finally, the amendment provides that it is a 8 juvenile crime under the Maine Juvenile Code for a person under 18 years of age to 9 10 possess marijuana and makes a corresponding technical cross-reference change.

11	FISCAL NOTE REQUIRED

12 (See attached)

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