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Legislative Document

No. 881

S.P. 295

In Senate, March 8, 2021

An Act To Make Technical Changes to the Maine Medical Use of Marijuana Act

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator LUCHINI of Hancock.

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

2 **PART A**

3 **Sec. A-1. 22 MRSA §2422, sub-§4-K**, as amended by PL 2019, c. 528, §15, is
4 further amended to read:

5 **4-K. Marijuana plant.** "Marijuana plant" means a plant of the genus Cannabis,
6 including, but not limited to, Cannabis sativa, Cannabis indica and Cannabis ruderalis ~~or~~
7 ~~their hybrids and the seeds of those plants.~~ "Marijuana plant" does not include hemp as
8 defined in Title 7, section 2231, subsection 1-A, paragraph D.

9 **Sec. A-2. 22 MRSA §2422, sub-§4-N**, as enacted by PL 2019, c. 331, §2 and c.
10 528, §16, is repealed and the following enacted in its place:

11 **4-N. Immature marijuana plant.** "Immature marijuana plant" means a marijuana
12 plant that is not a mature marijuana plant or seedling. "Immature marijuana plant" does not
13 include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

14 **Sec. A-3. 22 MRSA §2422, sub-§14-B**, as enacted by PL 2017, c. 452, §3, is
15 amended to read:

16 **14-B. Seedling.** "Seedling" means a ~~nonflowering~~ marijuana plant or rooted cutting
17 that ~~measures 24 inches or less from the base of the main plant stalk to the most distant~~
18 ~~point of the plant's leaf stems or branches.~~ is:

19 A. Not flowering;

20 B. Less than 18 inches in height; and

21 C. Less than 18 inches in width.

22 **PART B**

23 **Sec. B-1. 22 MRSA §2423-A, sub-§2, ¶P**, as amended by PL 2019, c. 217, §2, is
24 further amended to read:

25 P. Operate Obtain a registration certificate from the department pursuant to section
26 2425-A, subsection 6 to operate one caregiver retail store to sell harvested marijuana
27 to qualifying patients for the patients' medical use in accordance with this chapter; and

28 **Sec. B-2. 22 MRSA §2425-A, sub-§2**, as enacted by PL 2017, c. 452, §12, is
29 amended to read:

30 **2. Required registration.** A caregiver, other than a caregiver operating under section
31 2423-A, subsection 3, paragraph C, and an officer or director or assistant of a dispensary
32 or a caregiver, other than a caregiver operating under section 2423-A, subsection 3,
33 paragraph C, shall obtain a registry identification card in accordance with subsections 3, 4
34 and 5. A long-term care facility designated by a qualifying patient pursuant to section
35 2423-A, subsection 1, paragraph F-1, subparagraph (2), a caregiver retail store and a
36 dispensary shall obtain a registration certificate in accordance with subsections 6, 7 and 8.

37 **Sec. B-3. 22 MRSA §2425-A, sub-§6**, as enacted by PL 2017, c. 452, §12, is
38 amended to read:

39 **6. Application for registration certificate; qualifications.** The department shall
40 register and issue a registration certificate to an applicant who submits a complete

1 application that meets the requirements of this subsection. An application must include, as
2 applicable:

- 3 A. The annual fee required pursuant to subsection 10;
- 4 B. Evidence of the applicant's registration with the Secretary of State and evidence
5 that the applicant is in good standing with the Secretary of State; ~~and~~
- 6 C. The name, address and date of birth of each officer or director of the applicant;
- 7 D. If the applicant is a registered caregiver applying for a registration certificate for a
8 caregiver retail store, the physical address of the caregiver retail store; and
- 9 E. Evidence of compliance with all local regulations in accordance with section
10 2429-D as applicable.

11 **Sec. B-4. 22 MRSA §2425-A, sub-§8**, as amended by PL 2019, c. 331, §20, is
12 further amended to read:

13 **8. Requirements for issuance of registration certificates.** A registration certificate
14 expires one year after the date of issuance. The certificate must contain, as applicable:

- 15 A. The name of the certificate holder;
- 16 B. The date of issuance and expiration date of the registration certificate;
- 17 C. A random identification number that is unique to the certificate holder;
- 18 D. The physical address of the certificate holder and, if the certificate holder is a
19 caregiver retail store, the physical address of the caregiver retail store, or if the
20 certificate holder is a dispensary, the physical address of one additional location, if any,
21 where marijuana plants will be cultivated; and
- 22 E. A clear designation showing whether the certificate holder is allowed under this
23 chapter to cultivate marijuana plants.

24 **Sec. B-5. 22 MRSA §2425-A, sub-§10, ¶B**, as enacted by PL 2017, c. 452, §12,
25 is repealed and the following enacted in its place:

26 B. There is an annual registration fee for a caregiver who cultivates marijuana plants
27 on behalf of a qualifying patient pursuant to section 2423-A, subsection 2, paragraph
28 B.

29 (1) For a caregiver registering based upon plant count, the fee may not be less than
30 \$50 or more than \$240 for each group of up to 6 mature marijuana plants cultivated
31 by the caregiver. The caregiver shall notify the department of the number of
32 marijuana plants the caregiver cultivates.

33 (2) For a caregiver registering based upon plant canopy, the fee may not be less
34 than \$50 or more than \$1,500 for a total plant canopy of 500 square feet or less.

35 **Sec. B-6. 22 MRSA §2425-A, sub-§10, ¶B-1** is enacted to read:

36 B-1. There is an annual registration fee for a caregiver retail store, which may not be
37 less than \$50 or more than \$240.

38 **Sec. B-7. 22 MRSA §2425-A, sub-§11, ¶E** is enacted to read:

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E. A caregiver retail store shall notify the department in writing if the physical address of the caregiver retail store changes.

SUMMARY

This bill makes the following changes to the Maine Medical Use of Marijuana Act.

- 1. It repeals and replaces the definition of "immature marijuana plant" and amends the definitions of "marijuana plant" and "seedling."
- 2. It requires a registered caregiver operating a caregiver retail store to acquire a separate registration certificate for the caregiver retail store and to pay a separate registration fee for the caregiver retail store. It changes the fee for caregiver registration based on the plant count to a fee for caregiver registration based either on plant count or plant canopy.