

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

S.P. 295 - L.D. 881

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

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation makes important technical changes to the marijuana for medical use laws and ensures consistency with the definitions in the adult use laws and these changes must be implemented as soon as possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

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

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

Sec. 2. 22 MRSA §2422, sub-§4-N, as enacted by PL 2019, c. 331, §2 and c. 528, §16, is repealed and the following enacted in its place:

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

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

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

- A. Not flowering;
- B. Less than 24 inches in height; and
- C. Less than 24 inches in width.

Sec. 4. 22 MRSA §2425-A, sub-§10, ¶B, as enacted by PL 2017, c. 452, §12, is repealed and the following enacted in its place:

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

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

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

Sec. 5. 28-B MRSA §102, sub-§51, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

51. Seedling. "Seedling" means a marijuana plant or rooted cutting that is:

- A. Not flowering;
- B. Less than ~~6~~ 24 inches in height; and
- C. Less than ~~6~~ 24 inches in width.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.