

Last evening the second session of the 128th Maine Legislature fully adjourned its second regular session “sine die”, which is the Latin term for without another day. The manner of adjournment was contentious in the House of Representatives, where a proposal to extend the legislative session failed to garner enough votes for passage. As a result, several issues are left unresolved, including funding for schools and counties.

At this point it is unknown if and when the Legislature might reconvene for a special session to address these issues. We will keep you posted.

In the meantime, we are able to report that the Legislature managed yesterday to enact a law responding to the many questions left unanswered by the terms of the voter-adopted Marijuana Legalization Act. Efforts to clarify in statute the home rule authority to regulate medical marijuana operations remain in limbo. Here are the details:

Non-medical (a.k.a. “recreational” or “adult use”). Both the House and Senate voted yesterday by more than the required 2/3 majority of its members to override Governor LePage’s [veto](#) of [LD 1719](#), *An Act To Implement a Regulatory Structure for Adult Use Marijuana*.

LD 1719, summarized below and described in greater detail in the April 6 edition of MMA’s Legislative Bulletin, takes effect immediately as “emergency” legislation.

Medical. The 128th Legislature has now finally adjourned its second regular session. The two pieces of legislation providing municipalities broad regulatory authority under Maine’s Medical Use of Marijuana Act (LD’s [238](#) and [1539](#)) will die if they are not enacted during a special session that would need to occur prior to the seating of the 129th Legislature.

To date, LD 1539 has been passed to be engrossed (the final step before enactment) in the House and Senate, and the same is true of LD 238 in the Senate. It should be noted that the provision in [Title 22, section 2423-A\(13\)](#) authorizing municipalities to impose moratoria on caregiver cultivation facilities within 500 feet of schools expires on July 1, 2018.

Bill Summaries

Below are general summaries of these three bills. More detailed summaries are included in the [2018 LD List](#).

[LD 1719](#) – Re-writes the existing non-medical Marijuana Legalization Act, placing it in a newly-created Title 28-B of Maine statute, requiring municipalities to opt-in to allow marijuana establishments, prohibiting online, drive-through, and social club sales, and reserving all sales and excise tax revenues for the state.

[LD 238](#) – The bill which (1) provides for accredited third-party testing of medical marijuana while imposing safety and compliance measures on currently un-regulated or lightly-regulated extraction and concentration processes which often utilize hazardous substances, and (2) replaces the current municipal school setback and dispensary regulation authorities in the Act with comprehensive home rule authority to fully regulate registered caregivers, dispensaries,

manufacturing and testing facilities, with the exception that municipalities may not impose outright prohibitions or limitations on the number of registered caregivers.

[LD 1539](#) – The bill re-writing Maine’s Medical Use of Marijuana Act to include the same home rule regulation authorization as LD 238 while also (1) removing existing restrictions on the types of conditions for which doctors may issue medical marijuana certifications to patients; (2) removing the 5-person cap on the number of patients a single caregiver may treat; (3) authorizing registered caregivers to operate retail stores; (4) increasing the limit on state certificates to operate dispensaries from the current eight up to fourteen until 2021 when the limit would be repealed; and (5) tightening the definition of caregiver co-operatives which would continue to be prohibited under state law.

Previous Legislative Updates

Additional background information on actions taken in the second regular session is available in the following editions of MMA’s weekly *Legislative Bulletin*.

[Apr. 13](#) – “Marijuana Legislation Update, Municipal Regulation Poised For State Authorization”

[Apr. 6](#) – “Non-Medical Marijuana Bill Reviewed, Approved by Committee”

[Mar. 9](#) – “A POTpourri of Updates”

[Feb. 23](#) – “Let Them Eat Brownies! Marijuana Committee Keeps All Proceeds For State”

[Feb. 9](#) – “Marijuana Moratorium – 2nd Time No Charm”

[Feb. 2](#) – “Goalposts Keep Moving For Municipal Marijuana Proceeds”,
“Statewide Commercial Marijuana Moratorium Has Now Expired”

[Jan. 26](#) – “Feb. 1 Statewide Marijuana Moratorium Set To Expire”

[Jan. 12](#) – “Marijuana Reform Efforts Keep Rolling Along”

Questions regarding these marijuana-related bills may be directed to yours truly at gcorbin@memun.org or 1-800-623-8428. Questions regarding all other legislative matters should be directed to Kate Dufour, Director of MMA State and Federal Relations, at the same phone number or kdufour@memun.org.

Legal questions regarding ordinances or municipal actions should be directed to the Association’s Legal Services Department at the same phone number or legal@memun.org. Stay tuned for the Department’s forthcoming non-medical marijuana Info Packet, which will provide up-to-date legal guidance to MMA members in the near future.