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September 29, 2021

Dear AUMP Stakeholder:

I write today to follow up on my letter of August 30, 2021 regarding the administrative regulations which govern the Adult Use Marijuana Program (AUMP).

As we announced previously, the Office of Marijuana Policy (OMP) has begun to engage in major substantive rulemaking related to the AUMP rule. This process began with the release of a preliminary/discussion draft of the adult use rule last month and the opportunity to meet with OMP to discuss the revisions included therein throughout the first half of September. Earlier today, legal notices were published in the five major newspapers of Maine announcing plans for a rulemaking public hearing and formally beginning the Maine Administrative Procedures Act (MAPA) process for revisions to 18-691 C.M.R. ch. 1.

The public hearing is scheduled for Monday, October 18, 2021 at 10:00AM EDT. It will be held in-person in Room 228 of the Maine State House, located at the intersection of State and Capitol Streets, in Augusta. This room is usually utilized by the legislature's Joint Standing Committee on Appropriations and Financial Affairs.

For those who may find it difficult to travel to Augusta or be uncomfortable providing testimony in-person amidst the ongoing pandemic, OMP is accepting written public comment from now through the end of the day on Sunday, November 7, 2021. Either or both these avenues may be utilized by interested members of the public to provide feedback to OMP on the form, content, and/or application of the proposed rule revisions. A copy of the proposed rule can be found on the OMP website: <https://www.maine.gov/dafs/omp/adult-use/rules-statutes/rulemaking/proposed-rules>.

As a reminder, this process is just the beginning for OMP's AUMP rulemaking. Once OMP completes this process, we will consider the feedback received and make appropriate revisions to the rule. The key difference in major substantive rulemaking is that OMP must provisionally adopt the resulting rule and then submit it to the 130<sup>th</sup> Maine Legislature for review and consideration.

This process includes review by the legislature's Office of Policy and Legal Analysis and the drafting of a resolve by the Revisor of Statutes that would permit OMP to proceed with its rulemaking activity. Once these requirements are completed, the resolve will be referred to a legislative committee by the Maine House of Representatives and Senate, which has typically been the Joint Standing Committee on Veterans and Legal Affairs.

The committee will then review the revised rule and conduct a public hearing. It is also possible that work sessions will be held by the committee of jurisdiction. Members of the committee have

three options when considering the provisionally adopted rules: accept the rules, reject the rules, or accept the rules with modifications requested. Once the committee of jurisdiction completes its work, the resolve continues through the normal legislative process.

Assuming the resolve becomes law, it would become effective 90 days after the adjournment of the Second Regular Session of the 130th Legislature—which is currently scheduled for April 20, 2022. Once the resolve goes into effect, OMP has 60 days before we must finally adopt the rule.

If you reviewed the preliminary/discussion drafts of the program rules, you will note that the Office has elected to proceed with rulemaking focused on the major substantive portions of the rule, rather than attempt to engage in both major substantive rulemaking and routine technical rulemaking simultaneously. This will alleviate any confusion among stakeholders about which portions of the rule are subject to which rulemaking standards and allow OMP to promulgate routine technical rules following action by the legislature during the Second Regular Session.

To put it succinctly, there will be ample opportunity for stakeholder review and feedback given that any AUMP regulatory changes will be discussed well into 2022.

Thank you for your attention and consideration of these important matters. We look forward to engaging with you over the coming weeks and months.

Sincerely,

A handwritten signature in black ink, appearing to read 'Erik Gundersen', written in a cursive style.

Erik Gundersen  
Director