

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 28, 2011

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2011

ordinance that violates this subsection is void and of no effect.

11. Limitation on number of dispensaries. The department shall adopt rules limiting the number and location of registered dispensaries. During the first year of operation of dispensaries the department may not issue more than one registration certificate for a dispensary in each of the 8 public health districts of the department, as defined in section 411. After review of the first full year of operation of dispensaries and periodically thereafter, the department may amend the rules on the number and location of dispensaries; however, the number of dispensaries may not be less than 8.

Sec. B-33. 22 MRSA §2429, sub-§1, as amended by PL 2009, c. 631, §43 and affected by §51, is repealed.

Sec. B-34. 22 MRSA §2429, sub-§3, as amended by PL 2009, c. 631, §44 and affected by §51, is repealed.

Sec. B-35. 22 MRSA §2430-B is enacted to read:

§2430-B. Admissibility of records

A certificate, signed by the commissioner or the commissioner's designee, stating what the records of the department show on any given matter related to this chapter is admissible in evidence in all courts of this State to prove what the records of the department are on that matter. Upon testimony of a law enforcement officer that the certificate and records were obtained by that law enforcement officer from the department, the court shall admit that certificate and those records as evidence without any further foundation or testimony. If the department stores records in a computer or similar device, a printout or other output readable by sight of information stored in the department's computer or similar device, certified by the commissioner or the commissioner's designee as an accurate reflection of the stored information, is admissible in evidence to prove the content of the records.

PART C

Sec. C-1. Department of Health and Human Services to expunge information. Within 60 days following the effective date of this Act, the Department of Health and Human Services shall expunge all information in the records of the State's medical use of marijuana program indicating a patient's specific medical condition. For 6 months following the effective date of this Act, cardholders under the Maine Revised Statutes, Title 22, section 2425 may request to be removed from the registry and have all of their information expunged by the State. Expungement must be completed within 60 days of receipt of a request. Beyond the allotted 6-month time for expungement requests, all new and remaining in-

formation required for a person to register as a patient or primary caregiver must be retained by the State for 6 years. The expungement requirements of this section do not apply to a record with respect to which there is a pending law enforcement investigation.

See title page for effective date.

CHAPTER 408

H.P. 1042 - L.D. 1416

An Act To Provide Options to Municipalities Concerning the Maine Uniform Building and Energy Code

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

Sec. 1. 10 MRSA §9721, sub-§§3 and 4 are enacted to read:

3. Maine Uniform Building Code. "Maine Uniform Building Code" means that portion of the Maine Uniform Building and Energy Code that does not contain energy code requirements as determined by the board pursuant to section 9722, subsection 6, paragraph L.

4. Maine Uniform Energy Code. "Maine Uniform Energy Code" means that portion of the Maine Uniform Building and Energy Code that contains only energy code requirements as determined by the board pursuant to section 9722, subsection 6, paragraph L.

Sec. 2. 10 MRSA §9722, sub-§6, ¶¶J and K, as enacted by PL 2007, c. 699, §6, are amended to read:

J. In the adoption and amendment of the Maine Uniform Building and Energy Code, ensure that nontraditional or experimental construction, including but not limited to straw bale and earth berm construction, is permissible under the code; ~~and~~

K. In the adoption and amendment of the Maine Uniform Building and Energy Code, ensure that building materials from local sawmills, including but not limited to nongraded lumber, are permissible under the code; ~~and~~

Sec. 3. 10 MRSA §9722, sub-§6, ¶L is enacted to read:

L. Adopt, amend and maintain the Maine Uniform Building Code and the Maine Uniform Energy Code.

Sec. 4. 10 MRSA §9724, sub-§1, as amended by PL 2009, c. 261, Pt. A, §7, is further amended to read:

1. Limitations on home rule authority. This chapter provides express limitations on municipal home rule authority. ~~Beginning December 1, 2010, the~~ The Maine Uniform Building and Energy Code must be enforced in a municipality that has more than ~~2,000~~ 4,000 residents and that has adopted any building code by August 1, 2008. Beginning July 1, 2012, the Maine Uniform Building and Energy Code must be enforced in a municipality that has more than ~~2,000~~ 4,000 residents and that has not adopted any building code by August 1, 2008. The Maine Uniform Building and Energy Code must be enforced through inspections that comply with Title 25, section 2373.

Sec. 5. 10 MRSA §9724, sub-§1-A is enacted to read:

1-A. Municipalities up to 4,000 residents. A municipality of up to 4,000 residents may not adopt or enforce a building code other than the Maine Uniform Building Code, the Maine Uniform Energy Code or the Maine Uniform Building and Energy Code. Notwithstanding any other provision of this chapter or Title 25, chapter 314, the provisions of the Maine Uniform Building Code, the Maine Uniform Energy Code or the Maine Uniform Building and Energy Code do not apply in a municipality that has 4,000 or fewer residents except to the extent the municipality has adopted that code pursuant to this subsection.

Sec. 6. 25 MRSA §2373, first ¶, as amended by PL 2009, c. 261, Pt. A, §12, is further amended to read:

~~Beginning December 1, 2010, the~~ The code must be enforced in a municipality that has more than ~~2,000~~ 4,000 residents and that has adopted any building code by August 1, 2008. Beginning July 1, 2012, the code must be enforced in a municipality that has more than ~~2,000~~ 4,000 residents and that has not adopted any building code by August 1, 2008. The code must be enforced through inspections that comply with the code through any of the following means:

See title page for effective date.

CHAPTER 409

H.P. 1087 - L.D. 1478

An Act To Fully Enfranchise Voters

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

Sec. 1. 21-A MRSA §363, sub-§5 is enacted to read:

5. Caucus. Following the proclamation of the Governor pursuant to section 382, a municipality that has not held a biennial caucus has 15 days to hold a

caucus to nominate or elect a person to fill a vacancy under section 382.

Sec. 2. 21-A MRSA §382, sub-§1, as amended by PL 1997, c. 436, §57, is further amended to read:

1. Nominees chosen. The Governor shall order the appropriate political committees to meet and shall set the deadline for choosing nominees, which may not be less than 15 days following the Governor's proclamation declaring a vacancy. The committees shall follow the procedure outlined in section 363.

See title page for effective date.

CHAPTER 410

H.P. 418 - L.D. 535

An Act To Amend the Laws Pertaining to High-stakes Beano

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

Sec. 1. 17 MRSA §314-A, sub-§3-B is enacted to read:

3-B. Thirty events per year. An organization licensed under this section other than the Penobscot Nation, the Houlton Band of Maliseet Indians and the Aroostook Band of Micmacs may operate high-stakes beano games up to 100 days per year. A high-stakes beano game licensed under this section and canceled for any reason may be rescheduled at any time, as long as 5 days' prior notice of the new date is given to the Chief of the State Police.

Sec. 2. 17 MRSA §314-A, sub-§4, as amended by PL 2009, c. 534, §1, is further amended to read:

4. Term of license; fees. A license issued under this section is valid for a period of one year. The annual license fee for a high-stakes beano license is \$50,000, except that the annual license fee due in 2008, ~~2009, 2010 and 2011~~ to 2013 is \$25,000. License fees may be paid in advance in quarterly installments. All license fees must be paid to the Treasurer of State to be credited to the General Fund.

Sec. 3. 17 MRSA §314-A, sub-§5, ¶C, as amended by PL 2009, c. 347, §1, is further amended to read:

C. Conduct a game outside the Indian Territory of the licensed organization or for the Houlton Band of Maliseet Indians outside of the parcel of land listed in the Aroostook County Registry of Deeds Book ~~3624~~ 4302, page ~~239~~ 168 except that the Passamaquoddy Tribe may conduct a game in