

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**August 29, 2013**

**SECOND REGULAR SESSION**  
**January 8, 2014 to May 2, 2014**

**THE EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**EMERGENCY LAW IS**  
**SEPTEMBER 6, 2013**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 1, 2014**

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

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**Augusta, Maine**  
**2014**

- Supreme, Superior and District program, General Fund account.

**PART CC**

**Sec. CC-1. Carrying provision; Department of Secretary of State, Administration - Archives.** Notwithstanding any other provision of law, the State Controller shall carry forward any unexpended balance in the All Other and Capital Expenditures line categories on June 30, 2014 in the Department of Secretary of State, Administration - Archives program to fiscal year 2014-15. The amounts carried forward must be used for computer hardware and software to preserve and provide public access to state records.

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

Effective April 3, 2014.

**CHAPTER 503**

**H.P. 1195 - L.D. 1623**

**An Act To Further Protect Patient Access to Safe Medical Marijuana by Allowing Dispensaries To Purchase Excess Marijuana from Other Dispensaries**

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

**Whereas,** the First Regular Session of the 126th Legislature enacted a law to permit a registered primary caregiver to sell up to a total of 2 pounds of excess prepared marijuana annually to registered dispensaries; and

**Whereas,** the purchase by a dispensary of up to 2 pounds of excess prepared marijuana per primary caregiver could not realistically meet the demands of patients at a dispensary if that dispensary suffered a crop failure or other unforeseen disaster; and

**Whereas,** immediate enactment of this Act is necessary to ensure continued access to safe marijuana for medical use for the thousands of Maine patients who currently hold written certificates from their physicians and who purchase their prepared marijuana from dispensaries; 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 preserva-

tion 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-§3-A** is enacted to read:

**3-A. Extended inventory supply interruption.** "Extended inventory supply interruption" means any circumstance that:

A. Requires a registered dispensary to limit for more than a 2-week period the amount that a patient may purchase to less than 2 1/2 ounces during a 15-day period; or

B. Prevents a registered dispensary from consistently offering for a 2-week period or longer a full range of strains of marijuana, including but not limited to strains rich in cannabidiol, to a patient.

**Sec. 2. 22 MRSA §2428, sub-§1-A, ¶E,** as enacted by PL 2011, c. 407, Pt. B, §32, is amended to read:

E. Obtain prepared marijuana from a primary caregiver under section 2423-A, subsection 2, paragraph H or from another registered dispensary for the purposes of addressing an extended inventory supply interruption under subsection 6, paragraph G.

**Sec. 3. 22 MRSA §2428, sub-§6, ¶G,** as amended by PL 2011, c. 407, Pt. B, §32, is further amended to read:

G. A dispensary is prohibited from acquiring, possessing, cultivating, manufacturing, delivering, transferring, transporting, supplying or dispensing marijuana for any purpose except to assist qualifying patients who have designated the dispensary to cultivate marijuana for them for the medical use of marijuana directly or through the qualifying patients' primary caregivers, to obtain prepared marijuana as provided in subsection 1-A, paragraph E or to provide prepared marijuana as provided in paragraph L and subsection 9, paragraph B.

**Sec. 4. 22 MRSA §2428, sub-§6, ¶L** is enacted to read:

L. A dispensary may provide excess prepared marijuana to another dispensary that is experiencing an extended inventory supply interruption.

**Sec. 5. 22 MRSA §2428, sub-§9, ¶B,** as amended by PL 2011, c. 407, Pt. B, §32, is further amended to read:

B. A dispensary may not dispense, deliver or otherwise transfer marijuana to a person other than a qualifying patient who has designated the dispensary to cultivate marijuana for the patient or, to

the patient's primary caregiver or to a dispensary as provided in subsection 6, paragraphs G and L.

**Sec. 6. 22 MRSA §2428, sub-§9, ¶E,** as corrected by RR 2013, c. 1, §41, is amended to read:

E. A dispensary may acquire prepared marijuana only from a primary caregiver in accordance with section 2423-A, subsection 2, paragraph H or K ~~or~~ through the cultivation of marijuana by that dispensary either at the location of the dispensary or at the one permitted additional location at which the dispensary cultivates marijuana for medical use by qualifying patients who have designated the dispensary to cultivate for them or from a dispensary as provided in subsection 1-A, paragraph E.

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

Effective April 3, 2014.

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**CHAPTER 504**

**H.P. 1265 - L.D. 1763**

**An Act To Make Available to the Public Certain Information Concerning the Alcohol Content of Malt Liquor, Wine and Spirits**

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

**Whereas,** current ambiguity in the law regarding the display of alcohol content is causing confusion among manufacturers, sellers and distributors of alcoholic beverages; and

**Whereas,** it is important to resolve this ambiguity 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. 28-A MRSA §709, sub-§1,** as amended by PL 1999, c. 275, §1, is further amended to read:

**1. Certain practices prohibited.** The following practices are prohibited.

A. No licensee or employee or agent of a licensee may:

- (1) Offer or deliver any free liquor to any person or group of persons;
- (2) Deliver more than 2 drinks containing spirits, a carafe containing more than one liter or 33.8 ounces of wine, or any serving or pitcher containing more than one liter or 33.8 ounces of malt liquor, to one person at one time;
- (3) Sell, offer to sell or deliver to any person or group of persons an unlimited number of drinks for a fixed price, except at private functions not open to the public;
- (4) Encourage or permit, on the licensed premises, any game or contest that involves drinking or the awarding of drinks as prizes; or
- (5) ~~Any Engage in any~~ other practice the specific purpose of which is to encourage customers of the licensee to drink to excess; ~~and.~~

B. No licensee may advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under paragraph A. This paragraph does not prohibit a licensee or employee or agent of a licensee from including the alcohol content of malt liquor, wine or spirits in an advertisement or on a label, or in a display on an advertisement or label, if the alcohol content is expressed as a percentage of alcohol by volume.

**Sec. 2. 28-A MRSA §711,** as amended by PL 1993, c. 730, §33, is repealed.

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

Effective April 3, 2014.

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**CHAPTER 505**

**H.P. 1292 - L.D. 1800**

**An Act To Update Statutory Dates for the State Government Evaluation Act Review of Agencies**

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

**Sec. 1. 3 MRSA §959, sub-§1,** as amended by PL 2013, c. 1, Pt. DD, §§1 and 2; c. 368, Pt. V, §§1 and 2; and c. 405, Pt. D, §1, is further amended to read: