

MAINE STATE LEGISLATURE

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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

time that the settlement agent reasonably determines that such right of rescission has not been exercised.

Sec. D-25. 35-A MRSA §10155, sub-§2, as enacted by PL 2009, c. 591, §1, is amended to read:

2. Consumer disclosure; truth in lending. A PACE agreement entered into pursuant to a PACE program must provide consumer disclosure consistent with the principles of truth in lending as specified in rules adopted by the trust. In adopting such rules, the trust shall seek advice from the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection and consumer credit industry stakeholders. Notwithstanding Title 9-A, section 1-202, PACE mortgages are not subject to the Maine Consumer Credit Code, Article § 8-A.

See title page for effective date.

**CHAPTER 428
H.P. 673 - L.D. 914**

**An Act To Make Certain
Synthetic Cannabinoids Illegal**

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

Sec. 1. 17-A MRSA §1101, sub-§1-A is enacted to read:

1-A. "HU-210" is the synthetic cannabinoid [(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol].

Sec. 2. 17-A MRSA §1101, sub-§1-B is enacted to read:

1-B. "HU-211" is the synthetic cannabinoid (dex-anabinol, (6aS, 10aS)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[c]chromen-1-ol).

Sec. 3. 17-A MRSA §1101, sub-§3-A is enacted to read:

3-A. "JWH-018" is the synthetic cannabinoid 1-Pentyl-3-(1-naphthoyl)indole.

Sec. 4. 17-A MRSA §1101, sub-§3-B is enacted to read:

3-B. "JWH-073" is the synthetic cannabinoid 1-Butyl-3-(1-naphthoyl)indole.

Sec. 5. 17-A MRSA §1102, sub-§4, ¶D, as amended by PL 2005, c. 430, §2 and affected by §10, is further amended to read:

D. Butyl nitrite or isobutyl nitrite; ~~and~~

Sec. 6. 17-A MRSA §1102, sub-§4, ¶E, as enacted by PL 2005, c. 430, §3 and affected by §10, is amended to read:

E. A methamphetamine precursor drug; ~~and~~

Sec. 7. 17-A MRSA §1102, sub-§4, ¶F is enacted to read:

F. JWH-018, JWH-073, HU-210 and HU-211.

Sec. 8. Appropriations and allocations. The following appropriations and allocations are made.

CORRECTIONS, STATE BOARD OF

State Board of Corrections Investment Fund Z075

Initiative: Provides funds to support the cost of an anticipated increase in the number of incarcerations related to synthetic cannabinoids.

GENERAL FUND	2011-12	2012-13
All Other	\$0	\$3,132
GENERAL FUND TOTAL	\$0	\$3,132

CORRECTIONS, STATE BOARD OF

DEPARTMENT TOTALS

	2011-12	2012-13
GENERAL FUND	\$0	\$3,132
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$3,132

INDIGENT LEGAL SERVICES, MAINE COMMISSION ON

Maine Commission on Indigent Legal Services Z112

Initiative: Provides funds for an anticipated increase in the cost of court-appointed counsel as a result of adding synthetic cannabinoids to the list of schedule Z drugs.

GENERAL FUND	2011-12	2012-13
All Other	\$0	\$3,110
GENERAL FUND TOTAL	\$0	\$3,110

INDIGENT LEGAL SERVICES, MAINE COMMISSION ON

DEPARTMENT TOTALS

	2011-12	2012-13
GENERAL FUND	\$0	\$3,110

DEPARTMENT TOTAL - ALL FUNDS	\$0	\$3,110
SECTION TOTALS	2011-12	2012-13
GENERAL FUND	\$0	\$6,242
SECTION TOTAL - ALL FUNDS	\$0	\$6,242

Sec. 9. Effective date. This Act takes effect July 1, 2012.

Effective July 1, 2012.

**CHAPTER 429
H.P. 970 - L.D. 1324**

**An Act To Create Consistency
and Fairness in Maine's Bottle
Bill**

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

Sec. 1. 32 MRSA §1865, sub-§3, as amended by PL 2003, c. 499, §4, is further amended to read:

3. Label registration. An initiator of deposit shall register the container label of any beverage offered for sale in the ~~state~~ State on which it initiates a deposit. Registration must be on forms or in an electronic format provided by the department and must include the universal product code for each combination of beverage and container manufactured. The initiator of deposit shall renew a label registration annually and whenever that label is revised by altering the universal product code or whenever the container on which it appears is changed in size, composition or glass color. The initiator of deposit shall also include as part of the registration the method of collection for that type of container, identification of a collection agent, identification of all of the parties to a commingling agreement that applies to the container and proof of the collection agreement. The department may charge a fee for registration and registration renewals under this subsection. Rules adopted pursuant to this subsection that establish fees are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A and subject to review by the joint standing committee of the Legislature having jurisdiction over ~~business and economic development~~ environmental and natural resources matters.

Sec. 2. 32 MRSA §1866, sub-§4, ¶C, as enacted by PL 2003, c. 499, §6, is amended to read:

C. The reimbursement that the initiator of the deposit is obligated to pay the dealer or redemption center pursuant to paragraph A or B must be reduced by 1/2¢ for any returned container that is subject to a qualified commingling agreement that allows the dealer or redemption center to commingle beverage containers of like product group, material and size. A commingling agreement is qualified for purposes of this paragraph if the department determines that 50% or more of the beverage containers of like product group, material and size for which the deposits are being initiated in the State are covered by the commingling agreement or that the initiators of deposit covered by the commingling agreement are initiators of deposit for wine containers who each sell no more than 100,000 gallons of wine or 500,000 beverage containers that contain wine in a calendar year. Once the initiator of deposit has established a qualified commingling agreement for containers of a like product group, material and size, the department shall allow additional brands to be included from a different product group if they are of like material. The State, through the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations, shall make every reasonable effort to enter into a qualified commingling agreement under this ~~subparagraph~~ paragraph with every other initiator of ~~deposits~~ deposit for beverage containers that are of like product group, size and material as the beverage containers for which the State is the initiator of deposit.

Sec. 3. 32 MRSA §1866, sub-§11 is enacted to read:

11. Private right of action; containers not originally sold in the State. An initiator of deposit may maintain a civil action in Superior Court against a person, other than a local redemption center licensed in accordance with section 1871-A, that tenders to a redemption center or retailer more than 48 empty beverage containers that the person knows or has reason to know were not originally sold in this State as filled beverage containers. If the initiator of deposit prevails in any action, the initiator of deposit is entitled to an award of reasonable attorney's fees and court costs, including expert witness fees.

Sec. 4. 32 MRSA §1871-A, sub-§1, as corrected by RR 2001, c. 2, Pt. A, §41, is amended to read:

1. Procedures; licensing fees. The department shall adopt rules establishing the requirements and procedures for issuance of licenses and annual renewals under this section, including a fee structure. Initial rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. Rules adopted effective after calendar