

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

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September 27, 2011

SECOND REGULAR SESSION
January 4, 2012 to May 31, 2012

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LAWS IS
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IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2012

**CHAPTER 583
H.P. 1201 - L.D. 1595**

**An Act To Impose a Penalty
for Making False Claims
Regarding Affiliation with a
Federally Recognized Tribe**

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

Sec. 1. 17 MRSA §1637 is enacted to read:

**§1637. False claims of membership in federally
recognized tribe in the State**

1. Prohibition. A person may not:

A. Knowingly claim falsely to be a member of the Aroostook Band of Micmacs, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe or the Penobscot Nation;

B. Have the intent to obtain property to which the person is not entitled by making the claim under paragraph A; and

C. Obtain property to which the person is not entitled by making the claim under paragraph A.

2. Penalty. A person that violates subsection 1 commits a civil violation for which a fine of not more than \$2,500 may be adjudged.

3. Definition. For purposes of this section, "property" has the same meaning as set forth in Title 17-A, section 352, subsection 1.

See title page for effective date.

**CHAPTER 584
H.P. 1266 - L.D. 1714**

**An Act To Restrict Further the
Amount of Methamphetamine
Precursors That May Be
Bought or Sold**

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

Sec. 1. 32 MRSA §13796, sub-§1, as amended by PL 2007, c. 402, Pt. DD, §32, is repealed.

Sec. 2. 32 MRSA §13796, sub-§1-A is enacted to read:

1-A. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Electronic logging system" means a system that:

(1) Blocks the illegal sale of over-the-counter cold and allergy medications containing a targeted methamphetamine precursor;

(2) Is available free of charge to the State and its taxpayers, retailers and law enforcement;

(3) Operates in real time and communicates across state lines in real time with similar systems; and

(4) Complies with the requirements of the national Criminal Justice Information Exchange or its successor program and the National Information Exchange Model or its successor program.

B. "Override function" means a function in an electronic logging system that may be used to override a stop-sale alert and allows the completion of a sale.

C. "Package" means an item packaged and marked for retail sale that is not designed to be broken down or subdivided for the purpose of retail sale.

D. "Retailer" or "retail store" means a person or business entity engaged in this State in the business of selling products to the general public on a retail basis, including pharmacies.

E. "Sale" or "sold" includes barter, exchange, transfer and gift.

F. "Stop-sale alert" means a notification that alerts the retailer that completion of the sale would result in the seller's or purchaser's violating the targeted methamphetamine precursor quantity limits.

Sec. 3. 32 MRSA §13796, sub-§3, as amended by PL 2007, c. 402, Pt. DD, §33, is further amended to read:

3. Restrictions on the sale of targeted methamphetamine precursors. The following restrictions on location in the retail store, manner of sale and amount of sale apply to sales of targeted methamphetamine precursors. The limits under this subsection on the amount of targeted methamphetamine precursors that may be sold apply to the total amount of base ephedrine, phenylpropanolamine and pseudoephedrine contained in packages and not the overall weight of the packages.

A. A retailer may not sell more than 3 packages of a targeted methamphetamine precursor per transaction to the same person a targeted methamphetamine precursor that causes the sales to that person of targeted methamphetamine precursors within a 24-hour period to exceed 3.6 grams.

A-1. A person may not purchase more than 3.6 grams of a targeted methamphetamine precursor within a 24-hour period.

A-2. A retailer may not sell to the same person a targeted methamphetamine precursor that causes the sale to that person of targeted methamphetamine precursors within a 30-day period to exceed 9 grams.

A-3. A person may not purchase more than 9 grams of a targeted methamphetamine precursor within a 30-day period.

B. Except with regard to single-dose packages of not more than 60 milligrams that are kept within 30 feet and in direct line of sight of a staffed cash register or store counter, a retailer ~~must~~ shall keep targeted methamphetamine precursors in a location that is locked or otherwise not accessible by customers.

C. Except with regard to single-dose packages of not more than 60 milligrams that are kept within 30 feet and in direct line of sight of a staffed cash register or store counter, the sale of targeted methamphetamine precursors must be completed by:

- (1) A licensed pharmacist or licensed pharmacy technician; or
- (2) An employee of the retailer who accepts payment for the targeted methamphetamine precursor as long as:
 - (a) The employee works under the direct supervision of a pharmacist in the pharmacy area of the retail store; and
 - (b) A licensed pharmacist or licensed pharmacy technician has given individual, express approval for the purchase.

D. Except with regard to single-dose packages of not more than 60 milligrams that are kept within 30 feet and in direct line of sight of a staffed cash register or store counter, a retailer shall require a person purchasing a targeted methamphetamine precursor to present a valid government-issued photograph identification document at the point of sale. A retailer shall record the:

- (1) Name and address of the purchaser;
- (2) Name of the targeted methamphetamine precursor purchased including the number of grams the product contains;
- (3) Date and time of purchase; and
- (4) Form of identification presented, issuing government entity and corresponding identification number.

E. Except with regard to single-dose packages of not more than 60 milligrams that are kept within 30 feet and in direct line of sight of a staffed cash register or store counter, a retailer shall maintain a written or electronic logbook and require a person purchasing a targeted methamphetamine precursor to sign the logbook. A purchaser must sign the logbook acknowledging that the purchaser understands the applicable sales limit and that providing false statements or misrepresentations in the logbook may subject the purchaser to criminal penalties under 18 United States Code, Section 1001.

Sec. 4. 32 MRSA §13796, sub-§§5 to 7 are enacted to read:

5. Electronic logging. Beginning January 1, 2013, a retailer who has access to the Internet shall, before completing a sale under this section, electronically submit the information obtained pursuant to subsection 3, paragraph D to an electronic logging system. If the electronic logging system generates a stop-sale alert, the retailer may not complete the sale. If the retailer has concern for personal safety or the safety of others if a sale is not completed, the retailer may use the system's override function to complete the sale and must maintain a log of the sale. If the retailer experiences mechanical or electronic failure of the electronic logging system and is unable to comply with the electronic logging requirement, the retailer shall maintain a written log or an alternative electronic record-keeping mechanism until such time as the retailer is able to comply with the electronic logging requirement.

6. Immunity; presumption of good faith. A retailer is immune from liability for any claims, costs, expenses, injuries, liabilities, losses or damages of any kind resulting from the retailer's use of the electronic logging system in accordance with this section unless the injury or loss is the result of willful, reckless or intentional misconduct by the retailer. In a civil proceeding in which the retailer's use of an electronic logging system pursuant to this section is an issue, there is a rebuttable presumption of good faith on the part of the retailer.

7. Political subdivision ordinances. A political subdivision, as defined in Title 30-A, section 2252, may not adopt an ordinance regulating the sale or purchase of a targeted methamphetamine precursor, and any ordinance that violates this subsection is void and has no force or effect.

Sec. 5. Electronic logging system. By August 1, 2012, the Department of Public Safety, Maine Drug Enforcement Agency shall select a real-time electronic logging system to track sales of over-the-counter cold and allergy medications containing targeted methamphetamine precursors of ephedrine, pseudoephedrine or phenylpropanolamine. The system must meet the requirements for an electronic log-

ging system as defined in the Maine Revised Statutes, Title 32, section 13796, subsection 1-A, paragraph A. By September 1, 2012, the Maine Drug Enforcement Agency shall notify retailers which system it has chosen.

See title page for effective date.

CHAPTER 585

S.P. 610 - L.D. 1771

An Act To Amend Maine's Gambling Laws

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

Sec. 1. 8 MRSA §1011, sub-§1-B is enacted to read:

1-B. Operation of slot machines for training and educational purposes. Notwithstanding subsections 1 and 1-A, an accredited postsecondary institution may possess and operate slot machines and table games for the purposes of training and education. Any casino or slot machine training or education program is subject to approval by the board and must conform to criteria established by the board. Wagers used for slot machine and table game training are for demonstration only.

Sec. 2. 8 MRSA §1013, sub-§3 is enacted to read:

3. Distribution of table games by licensed slot machine distributor. The board may accept an application from and issue a table game distributor license to a person who is licensed as a slot machine distributor under subsection 2.

Sec. 3. 8 MRSA §1013-A, sub-§3 is enacted to read:

3. Distribution of slot machines by licensed table game distributor. The board may accept an application from and issue a slot machine distributor license to a person who is licensed as a table game distributor under subsection 2.

Sec. 4. 8 MRSA §1016, sub-§1, as amended by IB 2009, c. 2, §33, is further amended to read:

1. Minimum qualifications. Notwithstanding Title 5, chapter 341, and in addition to any requirements imposed by rules adopted by the board, a person must satisfy the following qualifications to be a slot machine operator, a casino operator, a slot machine distributor, a table game distributor, a gambling services vendor or an employee of these entities:

A. The person has completed the application form, promptly and truthfully complied with all

information requests of the board and complied with any applicable rules adopted by the board;

B. The person has sufficient financial assets and responsibility to meet any financial obligations imposed by this chapter and, if applying for a slot machine operator license, casino operator license, slot machine operator license renewal or casino operator license renewal, has sufficient financial assets and responsibility to continue operation of a commercial track or casino;

C. The person has not knowingly or recklessly made a false statement of material fact in applying for a license under this chapter or any gambling-related license in any other jurisdiction;

D. In the case of a person applying to be a slot machine operator or casino operator, the person has sufficient knowledge and experience in the business of operating slot machines or casinos to effectively operate the slot machine facilities or casino to which the license application relates in accordance with this chapter and the rules and standards adopted under this chapter;

E. The person has not had a gambling-related license application denied or an adverse action taken against a gambling-related license by authorities in this State or any other jurisdiction. For purposes of this paragraph, "adverse action" includes, but is not limited to, a condition resulting from an administrative, civil or criminal violation, a suspension or revocation of a license or a voluntary surrender of a license to avoid or resolve a civil, criminal or disciplinary action;

F. If the applicant is a business organization, the applicant is organized in this State, although that business organization may be a wholly or partially owned subsidiary of an entity that is organized pursuant to the laws of another state or a foreign country; and

G. The person and all key executives are citizens or permanent residents of the United States.

~~A~~ Except as provided by section 1013, subsection 3 and section 1013-A, subsection 3, a person may not hold more than one class of license under this chapter unless the 2nd license is an employee license under section 1015.

Sec. 5. 8 MRSA §1018, sub-§1, ¶A, as amended by PL 2005, c. 663, §7, is further amended to read:

A. ~~The~~ Except for slot machines operated as part of a training and education program as provided by section 1011, subsection 1-B, the initial registration fee for a registered slot machine is \$100. The annual renewal fee is \$100 for each registered slot machine.