

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST REGULAR SESSION
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IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2013

§112. Joint Force Headquarters

The Adjutant General shall organize a staff to be called a State Area Command, STARC the Joint Force Headquarters. It shall command, control and supervise Army and Air National Guard units employed in support of civil authorities in the protection of life, property and preservation of peace, order and public safety under competent orders of state authorities. In the event of mobilization of some or all Army and Air National Guard units by the President of the United States, it shall assist the State in organizing and training a militia, if required, perform command and control functions in support of civil authorities, as directed, and prepare to reconstitute the Army National Guard and Air National Guard when units are relieved from federal service. It must be commanded by a federally recognized officer who may be the Adjutant General or an Assistant Adjutant General.

Sec. 4. 37-B MRSA §399, as amended by PL 2003, c. 646, §13, is repealed and the following enacted in its place:

§399. Revenue

Revenue generated by the authority must first be used to support the operation of the authority, including segregation of money for future capital repairs. At the close of the fiscal year, unreserved retained earnings as identified by the State Controller may be transferred at any time prior to the closing of the books to:

1. Capital repairs; tuition assistance. An account established within the Military Bureau to be used for capital repairs and maintenance of state military facilities and Maine National Guard tuition assistance;

2. Official representation funds. An account established within the Military Bureau to be used for official representation funds, in an amount not to exceed \$10,000 annually;

3. Unfunded priorities. An account established within the Military Bureau to be used for the Adjutant General's unfunded priorities, in an amount not to exceed \$10,000 annually; and

4. Maine National Guard Foundation Fund. An account established within the Military Bureau to be used for the Maine National Guard Foundation Fund or its successor fund, in an amount not to exceed \$10,000 annually.

Sec. 5. 37-B MRSA §415-A, sub-§1, ¶C, as enacted by PL 2001, c. 662, §48, is amended to read:

~~A general officer commander~~ An officer with the rank of colonel in the chain of command of an individual being considered for nonjudicial punishment may impose one or more of the following punishments:

- (1) Forfeiture of up to 5 days' pay;

- (2) Up to 16 hours of extra duties;
- (3) Prohibition of promotion of up to one year; or
- (4) Reduction of one grade for enlisted members.

Sec. 6. 37-B MRSA §461 is enacted to read:

§461. Sexual assault

1. Prohibition; sexual assault. Any person subject to this Code who commits an offense prohibited under Title 17-A, chapter 11 is guilty of that offense under this Code.

2. Punishment. Any person found guilty of an offense prohibited under Title 17-A, chapter 11 must be punished as a court-martial may direct.

See title page for effective date.

CHAPTER 252

H.P. 196 - L.D. 259

An Act To Allow a Person To Rent a Slaughterhouse for the Slaughtering and Processing of Poultry

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

Sec. 1. 22 MRSA §2511, sub-§11, as enacted by PL 1999, c. 771, §1, is amended to read:

11. Custom slaughterhouse. "Custom slaughterhouse" means a person who maintains a slaughtering facility that is a licensed establishment or a registered establishment under this chapter for the purposes of slaughtering livestock or poultry for another person's exclusive use by that person and members of that person's household and that person's nonpaying guests and employees, and who is not engaged in the business of buying or selling carcasses, parts of carcasses, meat or meat food products or any cattle, domesticated deer, sheep, swine, goats, domestic rabbits, equines, poultry or other designated animals useable as human food.

Sec. 2. 22 MRSA §2511, sub-§41-A is enacted to read:

41-A. Registered establishment. "Registered establishment" means a person registered under section 2514-A.

Sec. 3. 22 MRSA §2514, sub-§1, as enacted by PL 1999, c. 777, §1, is amended to read:

1. License or registration required. A person may not engage in intrastate commerce in the business of buying, selling, preparing, processing, packing, storing, transporting or otherwise handling meat, meat

food products or poultry products, unless that person holds a valid license issued under this chapter or is registered under section 2514-A. Categories of licensure include:

- A. Commercial slaughterers;
- B. Custom slaughterers, except that itinerant custom slaughterers who slaughter solely at a customer's home or farm and who do not own, operate or work at a slaughtering plant are exempt from the licensing provisions of this section;
- C. Commercial processors;
- D. Custom processors;
- E. Wholesale distributors, except that livestock producers and livestock dealers who sell carcasses to or through inspected slaughterhouses are exempt from having to obtain a wholesale distributor's license under this paragraph. All other licensing provisions are applicable;
- F. Retail vendors;
- G. Meat and poultry product brokers;
- G-1. Mobile poultry processing unit operators;
- H. Renderers;
- I. Public warehouse operators;
- J. Animal food manufacturers;
- K. Handlers of dead, dying, disabled or diseased animals; and
- L. Any other category that the commissioner may by rule establish.

Sec. 4. 22 MRSA §2514-A is enacted to read:

§2514-A. Registration

1. Registration permitted. A person may engage in intrastate commerce in the business of buying, selling, preparing, processing, packing, storing, transporting or otherwise handling meat, meat food products or poultry products if that person is registered under this section. A person may register under this section if the person is a:

- A. Custom slaughterer, except that itinerant custom slaughterers who slaughter solely at a customer's home or farm and who do not own, operate or work at a slaughtering plant are exempt from the registration provisions of this section;
- B. Custom processor;
- C. Poultry producer who processes fewer than 1,000 birds annually under section 2517-C; and
- D. Person in any other category that the commissioner may by rule establish.

Sec. 5. 22 MRSA §2517-D is enacted to read:

§2517-D. Rental of a licensed slaughterhouse

1. Contract slaughtering. A commercial slaughterhouse or custom slaughterhouse licensed under section 2514 or a custom slaughterhouse registered under section 2514-A, but not engaging in the custom slaughter of poultry, may enter into a contract with a poultry producer who otherwise meets the requirements of the exemption for poultry producers that slaughter or process 20,000 or fewer poultry under the federal Poultry Products Inspection Act, 21 United States Code, Section 464(c)(3) to rent that slaughterhouse to the poultry producer for the slaughter and processing of the poultry producer's poultry.

Poultry slaughtered and processed under the rental contract must be slaughtered and processed by the poultry producer.

A poultry producer that otherwise meets the requirements of the 20,000 or fewer poultry exemption, and having the intent to rent a slaughterhouse that is currently used by another poultry producer that meets the requirements of the exemption, must obtain approval from the administrator of the federal Food Safety and Inspection Service within the United States Department of Agriculture prior to rental of the slaughterhouse.

2. Restrictions on point of sale. Poultry slaughtered and processed under this section may not be offered for sale or transportation in interstate commerce.

3. Labeling. Packaging for poultry slaughtered and processed under this section must bear the name and address of the renting poultry producer and the statement "Exempted P.L. 90-492."

Sec. 6. 22 MRSA §2518, as amended by PL 2009, c. 354, §4, is further amended to read:

§2518. Periodic review of noninspected registered or licensed establishments

1. Review by inspector. The commissioner may ~~cause~~ require establishments that are required to be licensed under section 2514 or registered under section 2514-A but are exempt from inspection under section 2512, subsection 2, paragraph K to be periodically reviewed by inspectors to ensure that the provisions of this chapter and the rules adopted under this chapter are satisfied and that the public health, safety and welfare are protected. The commissioner shall ~~cause~~ require establishments that are required to be licensed under section 2514 or registered under section 2514-A but are exempt from inspection under section 2517-C to be reviewed annually by inspectors to ensure that the provisions of this chapter and the rules adopted under this chapter are satisfied and that the public health, safety and welfare are protected.

2. Review of certain slaughter or preparation establishments. Inspection may not be provided under this chapter at any establishment for the slaughter

of livestock or poultry or the preparation of any livestock products or poultry products that are not intended for use as human food, but these products must, prior to their offer for sale or transportation in intrastate commerce, unless naturally inedible by humans, be denatured or otherwise identified, as prescribed by rules of the commissioner, to deter their use for human food. These licensed establishments are subject to periodic review.

3. Subject to review. A periodic review under this section must include an examination of:

- A. The licensed establishment's sanitation practices;
- B. Sanitation in the areas where meat and poultry products are prepared, stored and displayed;
- C. The adequacy of a refrigeration system used for meat food products and poultry products;
- D. Labeling; and
- E. Meat food products or poultry products for wholesomeness or adulteration.

In addition, the inspector conducting the periodic review may conduct any other examination necessary to ensure compliance with this chapter and the rules adopted pursuant to this chapter.

4. Access. For purposes of a periodic review of a licensed establishment, inspectors have access during normal business hours to every part of a licensed establishment required to have inspection under this chapter, whether the licensed establishment is operated or not.

Sec. 7. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 22, chapter 562-A, subchapter 2, in the subchapter headnote, the word "licensing" is amended to read "licensing and registration" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

CHAPTER 253
S.P. 318 - L.D. 941

**An Act To Facilitate the
Expansion of the State's Liquor
Distribution System**

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

Sec. 1. 28-A MRSA §453, sub-§2-A, as amended by PL 2009, c. 213, Pt. JJJJ, §1, is further amended to read:

2-A. Limitation on number of agency liquor stores. Beginning July 1, 2009, the bureau may license up to 10 agency liquor stores in a municipality with a population over 50,000; up to 8 agency liquor stores in a municipality with a population over 20,000 but less than 50,001; up to 5 agency liquor stores in a municipality with a population of at least 10,001 but less than 20,001; up to 4 agency liquor stores in a municipality with a population of at least 5,001 but less than 10,001; and up to 3 agency liquor stores in a municipality with a population of at least 2,000 but less than 5,001. In addition, the bureau may establish one agency liquor store in a municipality where the population is less than 2,000. The bureau may consider the impact of seasonal population or tourism and other related information provided by the municipality requesting an additional agency liquor store location.

Nothing in this subsection may be construed to reduce the number of agency stores the bureau may license in a municipality as of June 30, 2009.

See title page for effective date.

CHAPTER 254
H.P. 666 - L.D. 953

**An Act To Provide for and
Recognize the Right of the
Houlton Band of Maliseet
Indians To Fish for Marine
Organisms**

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

Sec. 1. 12 MRSA §6302-A, sub-§1, as amended by PL 2013, c. 8, §1, is further amended to read:

1. Tribal exemption; commercial harvesting licenses. A member of the Passamaquoddy Tribe, Penobscot Nation ~~or~~, Aroostook Band of Micmacs ~~or~~ Houlton Band of Maliseet Indians who is a resident of the State is not required to hold a state license or permit issued under section 6421, 6501, 6502-A, 6505-A, 6505-C, 6535, 6601, 6602, 6701, 6702, 6703, 6731, 6745, 6746, 6748, 6748-A, 6748-D, 6751, 6803, 6804 or 6808 to conduct activities authorized under the state license or permit if that member holds a valid license issued by the tribe, nation or band or the agent of the band to conduct the activities authorized under the state license or permit. A member of the Passamaquoddy Tribe, Penobscot Nation ~~or~~, Aroostook Band of Micmacs ~~or~~ Houlton Band of Maliseet Indians issued a tribal license pursuant to this subsection to conduct activities is subject to all laws and rules applicable to a person who holds a state license or permit to conduct those activities and to all the provisions of