

# 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**  
**December 5, 2012 to July 10, 2013**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 9, 2013**

**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**  
**2013**

A. A person who violates a rule adopted under subsection 5 or a condition or restriction placed on a bass tournament permit pursuant to subsection 2-A commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

B. A person who violates a rule adopted under subsection 5 or a condition or restriction placed on a bass tournament permit pursuant to subsection 2-A after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

**Sec. 8. Report from the Department of Inland Fisheries and Wildlife.** The Commissioner of Inland Fisheries and Wildlife shall review the lakes and ponds that contain eastern brook trout, *Salvelinus fontinalis*, and that according to reliable records have not been stocked since January 1, 1988, referred to in this section as "B List waters," and report the findings to the Joint Standing Committee on Inland Fisheries and Wildlife no later than January 15, 2014. The report must include:

1. A complete list of up-to-date B List waters with justification as to the qualifications for each water listed; and
2. A management plan for the B List waters that is in accordance with the intent of the department's mandate in the Maine Revised Statutes, Title 12, section 10051 to preserve, protect and enhance the inland fisheries and wildlife resources of the State, to encourage the wise use of these resources, to ensure coordinated planning for the future use and preservation of these resources and to provide for effective management of these resources.

The Joint Standing Committee on Inland Fisheries and Wildlife shall review the commissioner's report and, if necessary, establish guidelines for qualifications for B List waters and the management of B List waters. The committee is authorized to submit legislation related to its findings to the Second Regular Session of the 126th Legislature.

See title page for effective date.

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**CHAPTER 359**

**H.P. 427 - L.D. 608**

**An Act To Assist Small Distilleries That Also Have Off-premises Retail Licenses**

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

**Sec. 1. 28-A MRSA §1355-A, sub-§5, ¶G** is enacted to read:

G. Notwithstanding paragraph D, a holder of a small distillery license that produces less than 25,000 gallons of spirits annually and is licensed under paragraph B, subparagraph (3) to operate a retail location for off-premises consumption may pay the alcohol bureau the difference between the distillery's price charged to the alcohol bureau and the discounted list price charged by the bureau when a distillery purchases its own spirits to be sold at retail from its off-premises location. The alcohol bureau shall establish a procedure to allow a distillery to purchase spirits produced by the distillery for sale at a retail location as described in this paragraph.

See title page for effective date.

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**CHAPTER 360**

**H.P. 1090 - L.D. 1517**

**An Act To Amend the Laws Governing Decision-making Authority Regarding Energy Infrastructure Corridors**

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

**Sec. 1. 35-A MRSA §122, sub-§1-B, ¶A**, as amended by PL 2011, c. 655, Pt. MM, §14 and affected by §26, is further amended to read:

- A. The panel includes the following members:
- (1) The Director of the Governor's Energy Office within the Executive Department or the director's designee;
  - (2) The Commissioner of Administrative and Financial Services or the commissioner's designee;
  - (3) The commissioner of each department or the director of any other state agency or authority that owns or controls land or assets within the statutory corridor under consideration or that commissioner's or director's designee; ~~and~~
  - (4) Four members of the public appointed by the Governor in accordance with this subparagraph, subject to review by the joint standing committee of the Legislature having jurisdiction over utilities and energy matters and to confirmation by the Senate:
    - (a) One member with expertise in energy and utilities selected from candi-

dates nominated by the President of the Senate;

(b) One member with expertise in real estate or finance selected from candidates nominated by the President of the Senate;

(c) One member representing industrial or commercial energy consumers selected from candidates nominated by the Speaker of the House; and

(d) One member representing residential energy consumers selected from candidates nominated by the Speaker of the House.

Public members serve 3-year terms, except that a vacancy must be filled for the unexpired portion of the term. A public member serves until a successor is appointed. A public member may serve a maximum of 2 consecutive terms. Compensation of public members is as provided in Title 5, section 12004-G, subsection 30-D;

(5) The Public Advocate; and

(6) The Director of the Governor's Office of Policy and Management within the Executive Department or the director's designee.

**Sec. 2. 35-A MRSA §122, sub-§1-B, ¶D**, as enacted by PL 2009, c. 655, Pt. A, §2, is amended to read:

D. The panel shall evaluate and render a decision on an energy infrastructure proposal for use of a statutory corridor in accordance with subsection 1-D. The decision must be approved by the Governor prior to the entry by the State into a binding contract for use of a statutory corridor pursuant to this section.

**Sec. 3. 35-A MRSA §122, sub-§1-B, ¶F**, as enacted by PL 2009, c. 655, Pt. A, §2, is amended to read:

F. The panel shall contract for the services of a professional appraiser or appraisers to assist the panel in its duties under this subsection. The professional appraiser contracted under this paragraph must:

- (1) Have demonstrated experience in the valuation and evaluation of utility corridors or transportation corridors;
- (2) Hold a professional designation from a nationally recognized organization of appraisers; and
- (3) Be licensed by this State as a certified general real property appraiser in accordance

with Title 32, section 14035 or hold a comparable license from another state.

The cost of the services of a professional appraiser who provides services in accordance with this paragraph must be paid by potential developers submitting proposals for use of the corridor under this subsection in proportion to the amount of time spent by the appraiser on each potential developer's proposal. Payments for appraisal costs collected from potential developers may be expended for the costs of appraisal services and to pay member expenses as authorized under Title 5, section 12004-G, subsection 30-D.

**Sec. 4. 35-A MRSA §122, sub-§1-D**, as enacted by PL 2009, c. 655, Pt. A, §2, is amended to read:

**1-D. Energy infrastructure proposal; decision criteria.** The deciding authority shall evaluate and render a decision on an energy infrastructure proposal in accordance with this subsection. For the purposes of this subsection, "deciding authority" means the Inter-agency Review Panel acting under subsection 1-B, paragraph D and subject to the approval of the Governor, or the Public Utilities Commission acting under subsection 5-A or section 3132, subsection 6-A.

A. The deciding authority may approve an energy infrastructure proposal only if the deciding authority finds that the proposal:

- (1) Materially enhances or does not harm transmission opportunities for energy generation within the State;
- (2) Is reasonably likely to reduce electric rates or other relevant energy prices or costs for residents and businesses within the State relative to the value of those rates, prices or costs but for the proposed energy infrastructure development or, if the deciding authority is unable to determine to its satisfaction the impact of the proposal on rates, prices or costs, the owner or operator of the proposed energy infrastructure agrees to pay annually an amount of money, determined by the deciding authority, to reduce rates, prices or costs over the life of the proposed energy infrastructure; and
- (3) Is in the long-term public interest of the State, based on a determination made in accordance with paragraph B.

B. The deciding authority shall determine whether an energy infrastructure proposal is in the long-term public interest of the State. In making that determination, the deciding authority shall, at a minimum, consider the extent to which the proposal:

- (1) Materially enhances or does not harm transmission opportunities for energy generation within the State;
- (2) Is reasonably likely to reduce electric rates or other relevant energy prices or costs for residents and businesses within the State relative to the expected value of those electric rates or other energy prices or costs but for the proposed energy infrastructure development;
- (3) Increases long-term economic benefits for the State, including but not limited to direct financial benefits, employment opportunities and economic development;
- (4) Ensures efficient use of the statutory corridor through collocation of energy infrastructure, collaboration between energy infrastructure developers and the preservation of options for future uses;
- (5) Minimizes conflict with the public purposes for which the state-owned land or asset is owned and any management plans for the land or asset within the statutory corridor and, when necessary, mitigates unavoidable impacts;
- (6) Limits and mitigates the effects of energy infrastructure on the landscape, including but not limited to using underground installation when economically and technically feasible;
- (7) Increases the energy reliability, security and independence of the State; and
- (8) Reduces the release of greenhouse gases.

**Sec. 5. 35-A MRSA §122, sub-§10**, as amended by PL 2009, c. 655, Pt. A, §2, is further amended to read:

**10. Repeal.** This section is repealed July 30, ~~2015~~ 2017.

See title page for effective date.

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**CHAPTER 361**

**H.P. 755 - L.D. 1062**

**An Act To Add Conditions That Qualify for Medical Marijuana Use**

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

**Sec. 1. 22 MRSA §2422, sub-§2**, as amended by PL 2011, c. 407, Pt. B, §2, is further amended to read:

**2. Debilitating medical condition.** "Debilitating medical condition" means:

A. Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, ~~Crohn's disease~~, agitation of Alzheimer's disease, nail-patella syndrome or the treatment of these conditions;

B. A chronic or debilitating disease or medical condition or its treatment that produces intractable pain, which is pain that has not responded to ordinary medical or surgical measures for more than 6 months;

C. A chronic or debilitating disease or medical condition or its treatment that produces one or more of the following: cachexia or wasting syndrome; severe nausea; or seizures, including but not limited to those characteristic of epilepsy; ~~or severe and persistent muscle spasms, including but not limited to those characteristic of multiple sclerosis; or~~

D. Any other medical condition or its treatment as provided for in section 2424, subsection 2-; or

E. Post-traumatic stress disorder, inflammatory bowel disease, dyskinetic and spastic movement disorders and other diseases causing severe and persistent muscle spasms.

See title page for effective date.

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**CHAPTER 362**

**H.P. 646 - L.D. 922**

**An Act Regarding the Requirement That an Address Be Provided in Disclaimers on Political Radio Advertisements**

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

**Sec. 1. 21-A MRSA §1014, sub-§1**, as amended by PL 2011, c. 389, §10, is further amended to read:

**1. Authorized by candidate.** Whenever a person makes an expenditure to finance a communication expressly advocating the election or defeat of a clearly identified candidate through broadcasting stations, cable television systems, newspapers, magazines, campaign signs or other outdoor advertising facilities, publicly accessible sites on the Internet, direct mails or other similar types of general public political advertising or through flyers, handbills, bumper stickers and other nonperiodical publications, the communication, if authorized by a candidate, a candidate's authorized political committee or their agents, must clearly and