

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

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TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2013

**CHAPTER 373
S.P. 60 - L.D. 171**

**An Act To Facilitate the
Personal Importation of
Prescription Drugs from
International Mail Order
Prescription Pharmacies**

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

Sec. 1. 32 MRSA §13731, sub-§1, as enacted by PL 1987, c. 710, §5, is amended to read:

1. Applicability. It is unlawful for any person to engage in the practice of pharmacy unless licensed to practice under this Act; ~~provided, except that physicians, dentists, veterinarians or other practitioners of the healing arts who are licensed under the laws of this State may dispense and administer prescription drugs to their patients in the practice of their respective professions where specifically authorized to do so by law;~~

A. Physicians, dentists, veterinarians or other practitioners of the healing arts who are licensed under the laws of this State may dispense and administer prescription drugs to their patients in the practice of their respective professions where specifically authorized to do so by law;

B. A licensed retail pharmacy that is located in Canada, the United Kingdom of Great Britain and Northern Ireland, the Commonwealth of Australia or New Zealand that meets its country's statutory and regulatory requirements may export prescription drugs by mail or carrier to a resident of this State for that resident's personal use. A licensed retail pharmacy described in this paragraph is exempt from licensure under this Act; and

C. An entity that contracts to provide or facilitate the exportation of prescription drugs from a licensed retail pharmacy described in paragraph B may provide or facilitate the provision of prescription drugs from that pharmacy by mail or carrier to a resident of this State for that resident's personal use. An entity that provides or facilitates the provision of prescription drugs pursuant to this paragraph is exempt from licensure under this Act.

Sec. 2. 32 MRSA §13799 is enacted to read:

§13799. Consumer choice preserved

Nothing in this chapter may be construed to prohibit:

1. Ordering or receiving prescription drugs.
An individual who is a resident of the State from ordering or receiving prescription drugs for that individ-

ual's personal use from outside the United States by mail or carrier from a licensed retail pharmacy described in section 13731, subsection 1, paragraph B or an entity described in section 13731, subsection 1, paragraph C; or

2. Dispensing or providing prescription drugs.
A licensed retail pharmacy described in section 13731, subsection 1, paragraph B or an entity described in section 13731, subsection 1, paragraph C from dispensing, providing or facilitating the provision of prescription drugs from outside the United States by mail or carrier to a resident of the State for that resident's personal use.

See title page for effective date.

**CHAPTER 374
H.P. 1047 - L.D. 1462**

**An Act To Clarify and Correct
Provisions of the Maine
Medical Use of Marijuana Act**

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

Sec. 1. 22 MRSA §2423-A, sub-§3, ¶¶A and B, as enacted by PL 2009, c. 631, §21 and affected by §51, are amended to read:

A. A patient who elects to cultivate marijuana plants must keep the plants in an enclosed, locked facility unless the plants are being transported because the patient is moving or taking the plants to the patient's own property in order to cultivate them. Access to the cultivation facility is limited to the patient, except that emergency services personnel or a person who needs to gain access to the cultivation facility in order to perform repairs or maintenance or to do construction may access the cultivation facility to provide those professional services while under the direct supervision of the patient.

B. A primary caregiver who has been designated by a patient to cultivate marijuana for the patient's medical use must keep all plants in an enclosed, locked facility unless the plants are being transported because the primary caregiver is moving or taking the plants to the primary caregiver's own property in order to cultivate them. The primary caregiver shall use a numerical identification system to enable the primary caregiver to identify marijuana plants cultivated for a patient. Access to the cultivation facility is limited to the primary caregiver, except that emergency medical services personnel or a person who needs to gain access to the cultivation facility in order to perform repairs or maintenance or to do construction may access

the cultivation facility to provide those professional services while under the direct supervision of the primary caregiver.

Sec. 2. 22 MRSA §2428, sub-§6, ¶I, as amended by PL 2011, c. 407, Pt. B, §32, is further amended to read:

I. All cultivation of marijuana must take place in an enclosed, locked facility unless the marijuana plants are being transported between the dispensary and a location at which the dispensary cultivates the marijuana plants, as disclosed to the department in subsection 2, paragraph A, subparagraph (3). The dispensary shall use a numerical identification system to enable the dispensary to track marijuana plants from cultivation to sale and to track prepared marijuana obtained pursuant to section 2423-A, subsection 2, paragraph H from acquisition to sale. Access to the cultivation facility is limited to a cardholder who is a principal officer, board member or employee of the dispensary when acting in that cardholder's official capacity, except that emergency services personnel or a person who needs to gain access to the cultivation facility in order to perform repairs or maintenance or to do construction may access the cultivation facility to provide professional services while under the direct supervision of a cardholder who is a principal officer, board member or employee of the dispensary.

Sec. 3. Department of Health and Human Services to amend rules regarding primary caregivers and registered dispensaries. The Department of Health and Human Services shall amend its rules governing the medical use of marijuana in Rule Chapter 122 to remove the requirement that a primary caregiver or registered dispensary have a tag on each marijuana plant and to adopt a rule requiring the use of a numerical identification system that satisfies the requirements of the Maine Revised Statutes, Title 22, section 2423-A, subsection 3, paragraph B for primary caregivers and the requirements of Title 22, section 2428, subsection 6, paragraph I for registered dispensaries.

See title page for effective date.

CHAPTER 375

S.P. 49 - L.D. 128

An Act To Amend the Laws Governing the Inland Fisheries and Wildlife Advisory Council

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

Sec. 1. 12 MRSA §10151, sub-§1, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

1. Appointment. The Inland Fisheries and Wildlife Advisory Council, established by Title 5, section 12004-G, subsection 20 and referred to in this Part as the "advisory council," consists of 10 members representing the 16 counties of the State in the following manner: one member representing Androscoggin County, Kennebec County and Sagadahoc County; one member representing Aroostook County; one member representing Cumberland County; one member representing Franklin County and Oxford County; one member representing Hancock County; one member representing Knox County, Lincoln County and Waldo County; one member representing Penobscot County; one member representing Piscataquis County and Somerset County; one member representing Washington County; and one member representing York County. Members of the advisory council are appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over fisheries and wildlife matters and to confirmation by the Legislature. The commissioner or the commissioner's designee is a nonvoting, ex officio member of the advisory council, but may vote to break a tie.

An employee of the department may not serve as a member of the advisory council prior to the expiration of one year from that employee's last day of employment with the department. A Legislator may not serve as a member of the advisory council. A former Legislator who was a member of the joint standing committee of the Legislature having jurisdiction over fisheries and wildlife matters may not serve as a member of the advisory council prior to the expiration of one year from that former Legislator's last day of membership on that committee.

Sec. 2. 12 MRSA §10151, sub-§4, as amended by PL 2011, c. 668, §2, is repealed and the following enacted in its place:

4. Duties. The advisory council shall:

C. Hold regular meetings with the commissioner or the deputy commissioner to provide information and advice on enhancing fisheries and wildlife resource management in the State;

D. Form stakeholder groups with relevant areas of expertise to obtain information and make recommendations on enhancing fisheries and wildlife resource management in the State;

E. Convene stakeholder group meetings at least annually in areas of the State where deer populations need to be enhanced;

F. Attend public hearings on rules proposed by the commissioner and make recommendations