

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.

Augusta, Maine
2013

Sec. 17. Study. The Maine Public Employees Retirement System shall conduct a study of the Participating Local District Retirement Program and the Participating Local District Consolidated Retirement Plan administered by the Maine Public Employees Retirement System and referred to in this section as "the plans."

1. Issues to be studied. In conducting the study required under this section, the Maine Public Employees Retirement System shall examine issues including:

- A. The history of each of the plans;
- B. The reasoning behind, and necessity of, codifying each of the plans in the Maine Revised Statutes;
- C. The advantages and disadvantages of codifying each plan in the Maine Revised Statutes;
- D. The effect of repealing the Maine Revised Statutes, Title 5, chapters 425 and 427 on the plans and on the governance of the plans;
- E. The effect on the plans of allowing certain specific provisions of the Maine Public Employees Retirement System plans to be amended through the rule-making process; and
- F. Any other factors determined relevant by the Maine Public Employees Retirement System.

2. Report. The Maine Public Employees Retirement System shall report the results of its study under this section together with any recommendations to the Joint Standing Committee on Appropriations and Financial Affairs no later than January 15, 2014. Upon receipt and review of the report, the committee may submit a bill to the Second Regular Session of the 126th Legislature concerning the subject of the report.

See title page for effective date.

**CHAPTER 392
S.P. 556 - L.D. 1491**

**An Act To Extend the Statute
of Limitations on Certain Sex
Crimes**

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

Sec. 1. 17-A MRSA §8, sub-§2, as amended by PL 1999, c. 438, §2, is further amended to read:

2. Prosecutions Except as provided in subsection 2-A, prosecutions for crimes other than murder or criminal homicide in the first or 2nd degree, or, if the victim had not attained the age of 16 years at the time of the crime, prosecutions for: incest; unlawful sexual contact; sexual abuse of a minor; rape or gross sexual

assault, formerly denominated as gross sexual misconduct, are subject to the following periods of limitations:

- A. A prosecution for a Class A, Class B or Class C crime must be commenced within 6 years after it is committed; and
- B. A prosecution for a Class D or Class E crime must be commenced within 3 years after it is committed.

Sec. 2. 17-A MRSA §8, sub-§2-A is enacted to read:

2-A. A prosecution for a Class A, Class B or Class C crime involving unlawful sexual contact or gross sexual assault must be commenced within 8 years after it is committed.

This subsection does not apply to a Class D crime enhanced to a Class C crime pursuant to section 1252, subsection 4-A.

Sec. 3. Application. This Act applies to the crimes of gross sexual assault under the Maine Revised Statutes, Title 17-A, section 253 and unlawful sexual contact under Title 17-A, section 255-A committed on or after the effective date of this Act or for which the prosecution has not yet been barred by the statute of limitations in force immediately prior to the effective date of this Act.

See title page for effective date.

**CHAPTER 393
H.P. 1011 - L.D. 1423**

**An Act To Amend the Maine
Medical Use of Marijuana Act
with Regard to Excess
Prepared Marijuana**

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

Sec. 1. 22 MRSA §2423-A, sub-§2, ¶G, as amended by PL 2011, c. 407, Pt. B, §16, is further amended to read:

G. Prepare food as defined in section 2152, subsection 4 containing marijuana for medical use by a qualifying patient pursuant to section 2152, subsection 4-A and section 2167; ~~and~~

Sec. 2. 22 MRSA §2423-A, sub-§2, ¶H, as enacted by PL 2011, c. 407, Pt. B, §16, is amended to read:

H. For the purpose of disposing of excess prepared marijuana, transfer prepared marijuana to a registered dispensary or another primary caregiver if nothing of value is ~~received~~ provided to the

primary caregiver. A primary caregiver who transfers prepared marijuana pursuant to this paragraph does not by virtue of only that transfer qualify as a member of a collective; and

Sec. 3. 22 MRSA §2423-A, sub-§2, ¶I is enacted to read:

I. For the purpose of disposing of excess prepared marijuana, transfer prepared marijuana to a registered dispensary for reasonable compensation. The transfer of prepared marijuana by a primary caregiver to one or more dispensaries under this paragraph is limited to a registered primary caregiver. A registered primary caregiver may not transfer more than 2 pounds of excess prepared marijuana for reasonable compensation under this paragraph in a calendar year. A primary caregiver who transfers prepared marijuana pursuant to this paragraph does not by virtue of only that transfer qualify as a member of a collective.

Sec. 4. 22 MRSA §2428, sub-§9, ¶E, as amended by PL 2011, c. 407, Pt. B, §32, is further amended to read:

E. A dispensary may ~~only~~ acquire prepared marijuana ~~or marijuana plants~~ only from a primary caregiver in accordance with section 2423-A, subsection 2, paragraph H or I or through the cultivation of marijuana by that dispensary either at the location of the dispensary or at the one permitted additional location at which the dispensary cultivates marijuana for medical use by qualifying patients who have designated the dispensary to cultivate for them.

See title page for effective date.

CHAPTER 394 H.P. 330 - L.D. 480

An Act To Establish Fees under the Maine Medical Use of Marijuana Act

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

Sec. 1. 22 MRSA §2424, sub-§3, as amended by PL 2011, c. 407, Pt. B, §22, is further amended to read:

3. Registry identification cards. The department shall adopt rules governing the manner in which it considers applications for and renewals of registry identification cards for registered patients, registered primary caregivers, principal officers, board members and employees of dispensaries and staff of hospice providers and nursing facilities designated as primary caregivers. The department's rules must require the

submission of an application, must require replacement of a registry identification card that has been lost, destroyed or stolen or that contains information that is no longer accurate and must establish application and renewal fees that generate revenues sufficient to offset all expenses of implementing and administering this chapter and that are consistent with the provisions of section 2425, subsection 12. The department may establish a sliding scale of application and renewal fees based upon a registered patient's family income and status as a veteran of the Armed Forces of the United States. The department may accept donations from private sources in order to reduce the application and renewal fees.

Sec. 2. 22 MRSA §2425, sub-§1, ¶B, as enacted by IB 2009, c. 1, §5, is repealed.

Sec. 3. 22 MRSA §2425, sub-§1-A is enacted to read:

1-A. Criminal history record check. An applicant for a registry identification card who is a primary caregiver or who is a principal officer, board member or employee of a registered dispensary must undergo a criminal history record check annually.

Sec. 4. 22 MRSA §2425, sub-§3, as enacted by IB 2009, c. 1, §5, is amended to read:

3. Department approval or denial. The department shall verify the information contained in an application or renewal submitted pursuant to this section and shall approve or deny an application or renewal within 30 days of receiving it. The department may deny an application or renewal only if the applicant did not provide the information required pursuant to this section or the department determines that the applicant does not qualify for a registry identification card or that the information provided was falsified. Rejection of an application or renewal is considered a final agency action, subject to judicial review. Jurisdiction and venue for judicial review are vested in the Superior Court.

Sec. 5. 22 MRSA §2425, sub-§6, as enacted by IB 2009, c. 1, §5, is amended to read:

6. Notification of changes in status or loss of card. This subsection governs notification of changes in status or the loss of a registry identification card.

A. A registered qualifying patient shall notify the department within 10 days of any change in the registered qualifying patient's name, address, primary caregiver or preference regarding who may cultivate marijuana for the registered qualifying patient, if the registry identification card is no longer accurate, if the change renders the registry identification card inaccurate or if the registered qualifying patient ceases to have a debilitating medical condition.