

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**August 29, 2013**

**SECOND REGULAR SESSION**  
**January 8, 2014 to May 2, 2014**

**THE EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**EMERGENCY LAW IS**  
**SEPTEMBER 6, 2013**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 1, 2014**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

---

---

**Augusta, Maine**  
**2014**

the patient's primary caregiver or to a dispensary as provided in subsection 6, paragraphs G and L.

**Sec. 6. 22 MRSA §2428, sub-§9, ¶E**, as corrected by RR 2013, c. 1, §41, is amended to read:

E. A dispensary may acquire prepared marijuana only from a primary caregiver in accordance with section 2423-A, subsection 2, paragraph H or K ~~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 or from a dispensary as provided in subsection 1-A, paragraph E.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 3, 2014.

## CHAPTER 504

**H.P. 1265 - L.D. 1763**

### **An Act To Make Available to the Public Certain Information Concerning the Alcohol Content of Malt Liquor, Wine and Spirits**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, current ambiguity in the law regarding the display of alcohol content is causing confusion among manufacturers, sellers and distributors of alcoholic beverages; and

**Whereas**, it is important to resolve this ambiguity as soon as possible; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 28-A MRSA §709, sub-§1**, as amended by PL 1999, c. 275, §1, is further amended to read:

**1. Certain practices prohibited.** The following practices are prohibited.

A. No licensee or employee or agent of a licensee may:

- (1) Offer or deliver any free liquor to any person or group of persons;
- (2) Deliver more than 2 drinks containing spirits, a carafe containing more than one liter or 33.8 ounces of wine, or any serving or pitcher containing more than one liter or 33.8 ounces of malt liquor, to one person at one time;
- (3) Sell, offer to sell or deliver to any person or group of persons an unlimited number of drinks for a fixed price, except at private functions not open to the public;
- (4) Encourage or permit, on the licensed premises, any game or contest that involves drinking or the awarding of drinks as prizes; or
- (5) ~~Any~~ Engage in any other practice the specific purpose of which is to encourage customers of the licensee to drink to excess; ~~and.~~

B. No licensee may advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under paragraph A. This paragraph does not prohibit a licensee or employee or agent of a licensee from including the alcohol content of malt liquor, wine or spirits in an advertisement or on a label, or in a display on an advertisement or label, if the alcohol content is expressed as a percentage of alcohol by volume.

**Sec. 2. 28-A MRSA §711**, as amended by PL 1993, c. 730, §33, is repealed.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 3, 2014.

## CHAPTER 505

**H.P. 1292 - L.D. 1800**

### **An Act To Update Statutory Dates for the State Government Evaluation Act Review of Agencies**

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

**Sec. 1. 3 MRSA §959, sub-§1**, as amended by PL 2013, c. 1, Pt. DD, §§1 and 2; c. 368, Pt. V, §§1 and 2; and c. 405, Pt. D, §1, is further amended to read:

**1. Scheduling guidelines.** Except as provided in subsection 2, reviews of agencies or independent agencies must be scheduled in accordance with the following. Subsequent reviews must be scheduled on an ongoing basis every 8 years after the dates specified in this subsection.

A. The joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters shall use the following list as a guideline for scheduling reviews:

- (1) Baxter State Park Authority in 2017;
- (2) Board of Pesticides Control in 2019;
- (3) Wild Blueberry Commission of Maine in 2019;
- (4) Maine Dairy and Nutrition Council in 2015;
- (5) Maine Dairy Promotion Board in 2015;
- (6) Maine Milk Commission in 2015;
- (7) State Harness Racing Commission in 2015;
- (8) Maine Agricultural Bargaining Board in 2017;
- (9) Department of Agriculture, Conservation and Forestry in 2017; and
- (10) Land for Maine's Future Board in 2015.

B. The joint standing committee of the Legislature having jurisdiction over insurance and financial services matters shall use the following list as a guideline for scheduling reviews:

- (1) State Employee Health Commission in ~~2009~~ 2017; and
- (2) Department of Professional and Financial Regulation, in conjunction with the joint standing committee of the Legislature having jurisdiction over business and economic development matters, in ~~2007~~ 2015.

C. The joint standing committee of the Legislature having jurisdiction over business, research and economic development matters shall use the following list as a guideline for scheduling reviews:

- (1) Maine Development Foundation in ~~2005~~ 2021;
- (5) Department of Professional and Financial Regulation, in conjunction with the joint standing committee of the Legislature having jurisdiction over banking and insurance matters, in ~~2007~~ 2021;
- (19) Department of Economic and Community Development in ~~2005~~ 2021;

(23) Maine State Housing Authority in ~~2007~~ 2015;

(32) Finance Authority of Maine in ~~2009~~ 2017;

(36) Board of Dental Examiners in ~~2011~~ 2019;

(37) Board of Osteopathic Licensure in ~~2011~~ 2019;

(38) Board of Licensure in Medicine in ~~2011~~ 2019;

(41) State Board of Nursing in ~~2011~~ 2019;

(42) State Board of Optometry in ~~2011~~ 2019; and

(45) State Board of Registration for Professional Engineers in ~~2011~~; and 2019.

~~(50) Maine Science and Technology Foundation in 2007.~~

D. The joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters shall use the following list as a guideline for scheduling reviews:

(1) Department of Public Safety, except for the Emergency Services Communication Bureau, in ~~2001~~ 2015;

(2) Department of Corrections in ~~2011~~ 2019; and

(3) The Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management in ~~2008~~ 2015.

E. The joint standing committee of the Legislature having jurisdiction over education and cultural affairs shall use the following list as a guideline for scheduling reviews:

(2) Department of Education in ~~2005~~ 2021;

(2-A) State Board of Education in ~~2005~~ 2021;

(3) Maine Arts Commission in 2015;

(5) Maine Historic Preservation Commission in 2015;

(5-A) Notwithstanding section 952, Maine Historical Society in 2015;

(6) Maine Library Commission in 2015;

(6-A) Maine State Cultural Affairs Council in 2015;

(6-B) Maine State Library in 2015;

(6-C) Maine State Museum in 2015;

- (7) Maine State Museum Commission in 2015;
  - (8) Office of State Historian in 2015;
  - (9) Board of Trustees of the Maine Maritime Academy in ~~2009~~ 2017;
  - (10) Board of Trustees of the University of Maine System in ~~2009~~ 2017;
  - (12) Maine Community College System in ~~2009~~ 2017;
  - (13) Maine Health and Higher Educational Facilities Authority in ~~2011~~ 2019; and
  - (14) Maine Educational Loan Authority in ~~2011~~ 2019.
- F. The joint standing committee of the Legislature having jurisdiction over health and human services matters shall use the following list as a guideline for scheduling reviews:
- (6) Department of Health and Human Services in ~~2009~~ 2017;
  - (7) Board of the Maine Children's Trust Incorporated in ~~2011~~ 2019; and
  - (9) Maine Developmental Disabilities Council in ~~2011~~ 2019.
- G. The joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters shall use the following list as a guideline for scheduling reviews:
- (1) Department of Inland Fisheries and Wildlife in ~~2007~~ 2015; and
  - (2) Advisory Board for the Licensing of Taxidermists in ~~2007~~ 2015.
- H. The joint standing committee of the Legislature having jurisdiction over judiciary matters shall use the following list as a guideline for scheduling reviews:
- (2) Maine Human Rights Commission in ~~2009~~ 2017;
  - (3) Maine Indian Tribal-State Commission in ~~2011~~ 2019; and
  - (4) Department of the Attorney General in ~~2011~~ 2019.
- I. The joint standing committee of the Legislature having jurisdiction over labor matters shall use the following list as a guideline for scheduling reviews:
- (2) Department of Labor in ~~2007~~ 2015;
  - (3) Maine Labor Relations Board in ~~2009~~ 2017; and
  - (4) Workers' Compensation Board in ~~2009~~ 2017.
- J. The joint standing committee of the Legislature having jurisdiction over legal and veterans affairs shall use the following schedule as a guideline for scheduling reviews:
- (2) State Liquor and Lottery Commission in ~~2007~~ 2015;
  - (3) The Department of Administrative and Financial Services with regard to the enforcement of the law relating to the manufacture, importation, storage, transportation and sale of all liquor and the laws relating to licensing and the collection of taxes on malt liquor and wine in ~~2007~~ 2015; and
  - (4) Department of Defense, Veterans and Emergency Management in ~~2011~~ 2019, except for the Maine Emergency Management Agency within the department.
- K. The joint standing committee of the Legislature having jurisdiction over marine resource matters shall use the following list as a guideline for scheduling reviews:
- (1) Atlantic States Marine Fisheries Commission in ~~2005~~ 2021;
  - (2) Department of Marine Resources in ~~2005~~ 2021;
  - (4) Lobster Advisory Council in ~~2007~~ 2015; and
  - (5) Maine Sardine Council in ~~2007~~ 2015.
- L. The joint standing committee of the Legislature having jurisdiction over natural resource matters shall use the following list as a guideline for scheduling reviews:
- (1) Department of Environmental Protection in ~~2007~~ 2017;
  - (2) Board of Environmental Protection in ~~2007~~ 2017;
  - (4) Saco River Corridor Commission in ~~2005~~ 2021; and
  - (5) Board of Underground Oil Tank Installers in ~~2011~~ 2019.
- M. The joint standing committee of the Legislature having jurisdiction over state and local government matters shall use the following list as a guideline for scheduling reviews:
- (1) Capitol Planning Commission in ~~2011~~ 2019;
  - (1-A) Maine Governmental Facilities Authority in ~~2005~~ 2021;

(2) State Civil Service Appeals Board in ~~2005~~ 2021;

(3) State Claims Commission in ~~2005~~ 2021;

(4) Maine Municipal Bond Bank in ~~2007~~ 2015;

(5) Office of Treasurer of State in ~~2007~~ 2015;

(6) Department of Administrative and Financial Services, except for the Bureau of Revenue Services, in ~~2011~~ 2019; and

(7) Department of the Secretary of State, except for the Bureau of Motor Vehicles, in ~~2011~~ 2019.

N. The joint standing committee of the Legislature having jurisdiction over taxation matters shall use the following schedule as a guideline for scheduling reviews:

(1) State Board of Property Tax Review in ~~2011~~ 2019; and

(2) Department of Administrative and Financial Services, Bureau of Revenue Services in ~~2011~~ 2019.

O. The joint standing committee of the Legislature having jurisdiction over transportation matters shall use the following schedule as a guideline for scheduling reviews:

(1) Maine Turnpike Authority in ~~2005~~ 2021;

(2) The Bureau of Motor Vehicles within the Department of the Secretary of State in ~~2007~~ 2015;

(3) The Department of Transportation in ~~2007~~ 2015; and

(4) Maine State Pilotage Commission in ~~2009~~ 2017.

P. The joint standing committee of the Legislature having jurisdiction over utilities and energy matters shall use the following list as a guideline for scheduling reviews:

(1) Public Advocate in ~~2005~~ 2015;

(2) Board of Directors, Maine Municipal and Rural Electrification Cooperative Agency in ~~2007~~ 2015;

(3) Public Utilities Commission, including the Emergency Services Communication Bureau, in ~~2007~~ 2015; and

(5) Telecommunications Relay Services Advisory Council in ~~2013~~ 2015.

Q. The joint standing committee of the Legislature having jurisdiction over retirement matters

shall use the following list as a guideline for scheduling reviews:

(1) Maine Public Employees Retirement System in ~~2013~~ 2021.

**Sec. 2. 3 MRSA §963**, as enacted by PL 1995, c. 488, §2, is amended to read:

#### **§963. Review**

The joint standing committee of the Legislature having jurisdiction over state and local government matters shall review the provisions and effects of this chapter no later than June 30, ~~2000~~ 2022 and at least once every 10 years after June 30, ~~2000~~ 2022.

See title page for effective date.

## **CHAPTER 506**

### **S.P. 720 - L.D. 1805**

#### **An Act To Implement the Recommendations of the Review Committee Established To Examine the Impact of Unfunded Education Mandates and Other Regulatory Burdens**

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

**Sec. 1. 20-A MRSA §6**, as enacted by PL 1989, c. 889, §2, is repealed.

**Sec. 2. 20-A MRSA §254, sub-§7**, as enacted by PL 1983, c. 739, is repealed.

**Sec. 3. 20-A MRSA §254, sub-§§8 and 9**, as amended by PL 1995, c. 625, Pt. A, §21, are repealed.

**Sec. 4. 20-A MRSA §254, sub-§10**, as enacted by PL 1989, c. 889, §3, is repealed.

**Sec. 5. 20-A MRSA §256, sub-§7**, as enacted by PL 1989, c. 889, §5, is repealed.

**Sec. 6. 20-A MRSA c. 11**, as amended, is repealed.

**Sec. 7. 20-A MRSA §4001, sub-§7**, as amended by PL 1999, c. 81, §3, is further amended to read:

**7. Maintenance and capital improvement program.** A school administrative unit, including the unorganized territories, shall establish and maintain a maintenance and capital improvement program for all school facilities, ~~utilizing a maintenance template and software provided by the department and shall annually commit resources to that program pursuant to established minimum standards. The department and the Department of Administrative and Financial Services, Bureau of General Services shall establish the mini-~~