

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2014 to July 16, 2015

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 15, 2015

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

Augusta, Maine
2015

testing and verification that the sales representative has successfully completed an alcohol server education course approved by the commissioner. Any other consumption of alcoholic beverages on an agency liquor store's premises is prohibited, except as permitted under section 1205 or 1207.

Sec. D-2. 28-A MRSA §1505, first ¶, as amended by PL 2015, c. 129, §9 and c. 184, §5, is repealed and the following enacted in its place:

A sales representative holding a license under section 1502 may participate in a tasting event permitted under section 460; section 1051, subsection 8; section 1205; or section 1207 subject to the provisions of this section.

Sec. D-3. 28-A MRSA §1505, sub-§4, as amended by PL 2015, c. 129, §10 and c. 184, §6, is repealed and the following enacted in its place:

4. Pour or distribute. A sales representative participating in a tasting event pursuant to this section may not pour or distribute to consumers the products being offered for tasting during the event unless the sales representative was listed on a request submitted to the bureau by a licensee to conduct a taste testing in accordance with section 460; section 1051, subsection 8; section 1205; or section 1207. A sales representative who pours or distributes products to consumers at a tasting event under section 460; section 1051, subsection 8; section 1205; or section 1207 must have successfully completed an alcohol server education course approved by the commissioner. A sales representative may purchase spirits for a consumer tasting event in compliance with section 460 if the sales representative has successfully completed an alcohol server education course approved by the commissioner.

Sec. D-4. Effective date. This Part takes effect 90 days after adjournment of the First Regular Session of the 127th Legislature.

PART E

Sec. E-1. 35-A MRSA §1904, sub-§1, ¶¶A and B, as enacted by PL 2013, c. 369, Pt. B, §1, are amended to read:

A. Pursue, in appropriate regional and federal forums, market and rule changes that will reduce the basis differential for gas coming into New England and increase the efficiency with which gas brought into New England and Maine is transmitted, distributed and used. If the commission concludes that those market or rule changes will, within the same time frame, achieve substantially the same cost reduction effects for Maine electricity and gas customers as the execution of an energy cost reduction ~~contract~~ contract, the commission may not execute an energy cost reduction contract;

B. Explore all reasonable opportunities for private participation in securing additional gas pipeline capacity that would achieve the objectives in subsection 2. If the commission concludes that private transactions, within the same time frame, achieve substantially the same cost reduction effects for Maine electricity and gas customers as the execution of an energy cost reduction ~~contract~~ contract, the commission may not execute an energy cost reduction contract; and

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved, except as otherwise indicated.

Effective July 12, 2015, unless otherwise indicated.

CHAPTER 330

S.P. 259 - L.D. 729

An Act To Add Acetylfentanyl and Methylfentanyl Derivatives to the List of Schedule W Drugs

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

Whereas, law enforcement agencies have informed the Legislature that drugs that are harmful to the people of Maine, including acetylfentanyl and methylfentanyl derivatives, have recently been found in the State in increasing quantities and it is in the public interest that the criminal laws prohibiting acetylfentanyl and methylfentanyl derivatives be strengthened without delay; 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. 17-A MRSA §1102, sub-§1, ¶I, as repealed and replaced by PL 2007, c. 55, §1, is amended to read:

I. Unless listed or described in another schedule, any compound, mixture or preparation containing narcotic drugs, including, but not limited to, the following narcotic drugs or their salts, isomers or salts of isomers: heroin (diacetylmorphine), methadone, methadone hydrochloride, levo-alpha-acetyl-methadol, or LAAM, pethidine, morphine, oxycodone, hydrocodone, hydromorphone, fen-

tanyl, acetylfentanyl and any methylfentanyl derivatives and opium;

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

Effective July 12, 2015.

CHAPTER 331

S.P. 370 - L.D. 1044

An Act To Ensure That Collection Facilities Can Participate in the Architectural Paint Stewardship Program

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

Whereas, implementation of an architectural paint stewardship program in Maine will allow for the safe, cost-effective and convenient collection of unused architectural paint; and

Whereas, a producer-sponsored paint stewardship program plan has been submitted to the Department of Environmental Protection for approval with an implementation date of August 1, 2015; and

Whereas, the changes proposed in this legislation regarding the establishment of an architectural paint stewardship program in Maine must be implemented before the submitted plan can be approved; 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. 38 MRSA §2144, sub-§1, ¶A, as enacted by PL 2013, c. 395, §1, is amended to read:

A. "Architectural paint" or "paint" means interior and exterior architectural coatings sold in containers of 5 gallons or less and does not mean industrial, original equipment or specialty coatings, arts and crafts paints, 2-component coatings, deck cleaners, industrial maintenance coatings, original equipment manufacturer paints and finishes, paint additives, colorants, tints, resins, roof patch and repair, tar and bitumen-based products, traffic and road marking paints, wood preservatives, ignitable paint thinners or solvents used for cleaning paint-

related equipment or contaminated with architectural paint or paint thinners or solvents identified as hazardous waste in 40 Code of Federal Regulations, Section 261.31 that are used for cleaning paint-related equipment or contaminated with architectural paint.

Sec. 2. 38 MRSA §2144, sub-§1, ¶¶A-1, A-2 and A-3 are enacted to read:

A-1. "Collection container" means a container that is designed to store more than one individual container of architectural paint that meets federal Department of Transportation specifications for containing those items.

A-2. "Collection site" means an entity that collects post-consumer paint directly from consumers for end-of-life management and may include, but is not limited to, retailers, hardware and home improvement stores, transfer stations and operations that otherwise collect household hazardous waste. A collection site may also accept universal wastes under the rules of the department.

A-3. "Conditionally exempt small quantity generator" means a conditionally exempt small quantity generator as defined in 40 Code of Federal Regulations, Section 261.5.

Sec. 3. 38 MRSA §2144, sub-§1, ¶B, as enacted by PL 2013, c. 395, §1, is amended to read:

B. "Consumer" means a purchaser or user of architectural paint. "Consumer" includes a purchaser or user of architectural paint who also generates post-consumer paint.

Sec. 4. 38 MRSA §2144, sub-§1, ¶K-1 is enacted to read:

K-1. "Post-consumer paint that is a hazardous waste" means post-consumer paint that is a hazardous waste as defined in 40 Code of Federal Regulations, Part 261, Subparts C and D.

Sec. 5. 38 MRSA §2144, sub-§2, ¶¶H and I, as enacted by PL 2013, c. 395, §1, are amended to read:

H. An anticipated budget for operation of the paint stewardship program, including the suggested method of funding the program, which must include the method of calculating a paint stewardship assessment that meets the requirements of subsection 4; and

I. A description of how post-consumer paint collected under this section will be managed at each collection site, including how post-consumer paint will be labeled and, provisions for secondary containment; and protecting post-consumer paint from weather and a description of how subsection 5-A, paragraph G will be satisfied.