

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

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

Augusta, Maine
2019

Revenue Funds accounts within the Department of Professional and Financial Regulation to the General Fund unappropriated surplus. On or before June 30, 2019, the Commissioner of Professional and Financial Regulation shall determine from which accounts the funds will be transferred so that the sum equals \$3,000,000 and notify the State Controller and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs of the amounts to be transferred from each account.

Sec. 3. Appropriations and allocations.
The following appropriations and allocations are made.

CORRECTIONS, DEPARTMENT OF

County Jails Operation Fund Z227

Initiative: Appropriates additional funds on an ongoing basis for the County Jails Operation Fund program of which \$1,700,000 must be spent on community corrections as required pursuant to the Maine Revised Statutes, Title 34-A, section 1210-D, subsection 1.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$3,000,000
GENERAL FUND TOTAL	\$0	\$3,000,000

County Jails Operation Fund Z227

Initiative: Provides one-time funding for county and regional jails with unusually high costs incurred during fiscal year 2017-18, such costs having been incurred to meet State of Maine jail standards and operational guidelines for the incarceration of inmates awaiting adjudication or serving sentences and for such unanticipated expenditures in fiscal year 2018-19. This appropriation is to be allocated to county and regional jails as provided in section 1.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$3,000,000
GENERAL FUND TOTAL	\$0	\$3,000,000

County Jails Operation Fund Z227

Initiative: Appropriates funds for the Kennebec County Criminogenic Addiction Recovery Academy (CARA) program.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$120,000
GENERAL FUND TOTAL	\$0	\$120,000

CORRECTIONS, DEPARTMENT OF

DEPARTMENT TOTALS	2017-18	2018-19
GENERAL FUND	\$0	\$6,120,000
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$6,120,000

See title page for effective date.

CHAPTER 451

H.P. 1216 - L.D. 1762

An Act To Ensure Sustainable Health Care Access in the Jackman Region

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

Whereas, health care access is an integral part of health care in the State; and

Whereas, the Jackman Community Health Center provides vital 24-hour medical services for the northern Somerset County region; and

Whereas, the Jackman Community Health Center's financial situation puts these services at risk; and

Whereas, without these medical services many of the most vulnerable residents would no longer be able to remain in the region; 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. Appropriations and allocations.
The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

Office of MaineCare Services 0129

Initiative: Provides funding for health care access at the Jackman Community Health Center.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$150,000

GENERAL FUND	\$0	\$150,000
TOTAL		

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

Effective July 9, 2018.

CHAPTER 452

H.P. 1060 - L.D. 1539

An Act To Amend Maine's Medical Marijuana Law

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

Sec. 1. 22 MRSA §2152, sub-§4-A, as amended by PL 2011, c. 407, Pt. A, §2, is further amended to read:

4-A. Food establishment. "Food establishment" means a factory, plant, warehouse or store in which food and food products are manufactured, processed, packed, held for introduction into commerce or sold. "Food establishment" includes a ~~primary~~ caregiver, as defined in section 2422, subsection 8-A, and a registered dispensary, as defined in section 2422, subsection 6, that prepare food containing marijuana for medical use by a qualifying patient pursuant to chapter 558-C. The following establishments are not considered food establishments required to be licensed under section 2167:

- A. Eating establishments, as defined in section 2491, subsection 7;
- B. Fish and shellfish processing establishments inspected under Title 12, section 6101, 6102 or 6856;
- C. Storage facilities for native produce;
- D. Establishments such as farm stands and farmers' markets primarily selling fresh produce not including dairy and meat products;
- E. Establishments engaged in the washing, cleaning or sorting of whole produce, provided the produce remains in essentially the same condition as when harvested. The whole produce may be packaged for sale, provided that packaging is not by a vacuum packaging process or a modified atmosphere packaging process;
- F. Establishments that are engaged in the drying of single herbs that are generally recognized as safe under 21 Code of Federal Regulations, Sections 182 to 189. The single herbs may be packaged for sale, provided that packaging is not by a

vacuum packaging process or a modified atmosphere packaging process; and

G. A ~~primary~~ caregiver, as defined in section 2422, subsection 8-A, conducting an activity allowed in section 2423-A for a qualifying patient who is a member of the family, as defined in section 2422, subsection 5-A, or member of the household, as defined in section 2422, subsection 5-B, of the ~~primary~~ caregiver.

Sec. 2. 22 MRSA §2158, as amended by PL 2011, c. 407, Pt. A, §3 and c. 657, Pt. W, §6, is further amended to read:

§2158. Addition of certain substances limited

Any poisonous or deleterious substance added to any food, except where such substance is required in the production thereof or cannot be avoided by good manufacturing practice, must be deemed to be unsafe for purposes of the application of section 2156, subsection 1, paragraph B; but when such substance is so required or cannot be avoided, the Commissioner of Agriculture, Conservation and Forestry shall adopt rules limiting the quantity therein or thereon to such extent as the commissioner finds necessary for the protection of public health, and any quantity exceeding the limits so fixed must be deemed to be unsafe for purposes of the application of section 2156, subsection 1, paragraph B. While such a rule is in effect limiting the quantity of any such substance in the case of any food, such food may not, by reason of bearing or containing any added amount of such substance, be considered to be adulterated within the meaning of section 2156, subsection 1, paragraph A. In determining the quantity of such added substance to be tolerated in or on different articles of food, the commissioner shall take into account the extent to which the use of such substance is required or cannot be avoided in the production of each such article and the other ways in which the consumer may be affected by the same or other poisonous or deleterious substances. Goods that are prepared by a ~~primary~~ caregiver under section 2152, subsection 4-A, paragraph G or in a food establishment that is a licensed facility under section 2167 and that contain marijuana for medical use by a qualifying patient, pursuant to chapter 558-C, are not considered to be adulterated under this subchapter.

Sec. 3. 22 MRSA §2422, as amended by PL 2017, c. 409, Pt. E, §2, is further amended to read:

§2422. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Cardholder. "Cardholder" means a ~~qualifying patient, a registered primary caregiver, an employee of a registered primary caregiver or a principal officer, board member or employee of a registered dispensary~~