

# 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.**

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**Augusta, Maine**  
**2019**

wood harvesting, including, but not limited to, chain saws, skidders, delimiters, forwarders, slashers, feller bunchers and wood chip-pers.

"Depreciable machinery and equipment" does not include a motor vehicle as defined in section 1752, subsection 7 or a trailer as defined in section 1752, subsection 19-A.

**Sec. 3. Application.** This Act applies to sales made on or after July 1, 2019.

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

Effective March 25, 2019.

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**CHAPTER 8**

**H.P. 98 - L.D. 116**

**An Act To Extend the Duration of Temporary Licenses for Sale and Consumption of Liquor**

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

**Whereas,** this Act extends the permissible duration of a temporary license for the sale of alcoholic beverages that may be issued to an incorporated civic organization from 7 consecutive days to 10 consecutive days; and

**Whereas,** it is necessary that this Act take effect before the expiration of the 90-day period in order to ensure that agricultural fairs that take place in the summer and fall may obtain licenses of the necessary length; 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 §1071, sub-§3,** as amended by PL 1997, c. 373, §97, is further amended to read:

**3. Length of licenses.** One license issued under this section to each incorporated civic organization is valid for up to 7 ~~10~~ consecutive days. The other 4 licenses for which the incorporated civic organization is eligible are valid for one day each. The bureau may not issue separate licenses under this section to the

same incorporated civic organization for events or gatherings held on consecutive days.

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

Effective March 25, 2019.

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**CHAPTER 9**

**H.P. 941 - L.D. 1298**

**An Act To Enhance Fish and Wildlife Laws**

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

**Whereas,** the open-water fishing season is scheduled to begin April 1, 2019 and the Department of Inland Fisheries and Wildlife intends to conduct emergency rulemaking this year regarding that date; 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. 12 MRSA §12456, sub-§2, ¶E,** as enacted by PL 2013, c. 3, §2, is amended to read:

E. In accordance with section 10104, the commissioner may change the established opening date of an ~~open~~ open-water recreational fishing season and may change the established closing date of a recreational ice-fishing season if, in the commissioner's opinion, the change is ~~necessary warranted~~ due to ~~earlier than normal seasonal temperature changes or~~ weather conditions.

**Sec. 2. 12 MRSA §12456, sub-§3,** as enacted by PL 2003, c. 655, Pt. B, §244 and affected by §422, is amended to read:

**3. Rules.** Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A and may be adopted by emergency rulemaking pursuant to Title 5, section 8054.

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

Effective March 25, 2019.

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**CHAPTER 10  
H.P. 67 - L.D. 81**

**An Act To Clarify Maine Law  
Regarding the Tips of Service  
Employees**

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

**Sec. 1. 26 MRSA §664, sub-§2-A**, as enacted by PL 2011, c. 118, §4, is amended to read:

**2-A. Tip pooling.** This section may not be construed to prohibit an employer from establishing a valid tip pooling arrangement only among service employees that ~~is consistent with~~ **does not violate** the federal Fair Labor Standards Act and regulations made pursuant to that Act.

See title page for effective date.

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**CHAPTER 11  
H.P. 263 - L.D. 338**

**An Act To Allow Flexibility in  
the Deposit Labeling of Metal  
Returnable Beverage  
Containers**

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

**Sec. 1. 38 MRSA §3105, sub-§§1 and 2**, as enacted by PL 2015, c. 166, §14, are amended to read:

**1. Labels.** Except as provided under subsections 2 and 4, the refund value and the word "Maine" or the abbreviation "ME" must be clearly indicated on every refundable beverage container sold or offered for sale by a dealer in this State, by embossing, stamping, labeling or other method of secure attachment to the beverage container. The refund value may not be indicated on the bottom of the container. ~~Metal beverage containers must be embossed or stamped on the top of the container.~~

**2. Labels; nonrefillable containers; nonexclusive distributorships.** With respect to nonrefillable beverage containers the deposits for which are initiated pursuant to section 3103, subsection 3, the refund value and the word "Maine" or the abbreviation "ME" must be clearly indicated on every refundable beverage container sold or offered for sale by a dealer in this State, by permanently embossing or permanently stamping the beverage containers, except in instances when the initiator of the deposit has specific permission from the department to use stickers or similar devices. The refund value may not be indicated on the bottom of the container. ~~Metal beverage containers~~

~~must be permanently embossed or permanently stamped on the tops of the containers.~~

See title page for effective date.

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**CHAPTER 12  
H.P. 459 - L.D. 630**

**An Act To Clarify That Food,  
Food Additives and Food  
Products Containing  
Hemp-derived Cannabidiol  
Produced and Sold within the  
State Are Not Adulterated and  
To Match the State's Definition  
of "Hemp" to the Definition in  
Federal Law**

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

**Whereas**, the federal Food and Drug Administration, in response to the passage of the federal Agriculture Improvement Act of 2018, released a statement announcing that it is unlawful under the Federal Food, Drug, and Cosmetic Act to introduce food containing added cannabidiol into interstate commerce because it is an active ingredient in a federally approved pharmaceutical drug; and

**Whereas**, the health inspection program within the Maine Centers for Disease Control in the Department of Health and Human Services has sent letters to retail food establishments in the State and regulators from the Department of Agriculture, Conservation and Forestry have contacted pet stores explaining that any food or food products containing hemp-derived cannabidiol must be removed from shelves, even if those food or food products are not introduced into interstate commerce, which has created anxiety and confusion among business owners, stakeholders and consumers alike; and

**Whereas**, any compliance with the letters or statements from the Department of Health and Human Services or the Department of Agriculture, Conservation and Forestry, which expand the federal Food and Drug Administration's authority to regulate only food that enters into interstate commerce, will undermine state sovereignty, diminish the livelihoods of Maine hemp farmers, food producers and retailers and deprive the people of Maine of the food that they consider necessary for their own or their animals' health and well-being; 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