

# 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**

**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