

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

**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.

**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.

**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