

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

Sec. B-2. 17-A MRSA §1101, sub-§22, as enacted by PL 2003, c. 61, §1, is amended to read:

22. "~~Industrial hemp~~ Hemp" means ~~any variety of the plant Cannabis sativa L. and any part of that plant, including the seeds and all derivatives, extracts, cannabinoids, isomers, acids, salts and salts of isomers, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed of not more than 0.3% on a dry weight basis and that is grown under a federal permit in compliance with the conditions of that permit.~~

Sec. B-3. 17-A MRSA §1103, sub-§7, as enacted by PL 2003, c. 61, §2, is amended to read:

7. It is an affirmative defense to prosecution under this section that the substance trafficked in is ~~industrial~~ hemp.

Sec. B-4. 17-A MRSA §1105-A, sub-§3, as enacted by PL 2003, c. 61, §3, is amended to read:

3. It is an affirmative defense to prosecution under this section that the substance trafficked in is ~~industrial~~ hemp.

Sec. B-5. 17-A MRSA §1105-C, sub-§3, as enacted by PL 2003, c. 61, §4, is amended to read:

3. It is an affirmative defense to prosecution under this section that the substance furnished is ~~industrial~~ hemp.

Sec. B-6. 17-A MRSA §1105-D, sub-§3, as enacted by PL 2003, c. 61, §5, is amended to read:

3. It is an affirmative defense to prosecution under this section that the substance cultivated or grown is ~~industrial~~ hemp.

Sec. B-7. 17-A MRSA §1106, sub-§6, ¶A, as enacted by PL 2007, c. 346, Pt. B, §1, is amended to read:

A. ~~Industrial hemp~~ Hemp; or

Sec. B-8. 17-A MRSA §1107-A, sub-§3, ¶A, as enacted by PL 2005, c. 430, §4 and affected by §10, is amended to read:

A. The substance possessed is ~~industrial~~ hemp; or

Sec. B-9. 17-A MRSA §1107-A, sub-§5, ¶A, as enacted by PL 2007, c. 346, Pt. B, §2, is amended to read:

A. ~~Industrial hemp~~ Hemp; or

Sec. B-10. 17-A MRSA §1111-A, sub-§10, as enacted by PL 2003, c. 61, §8, is amended to read:

10. It is an affirmative defense to prosecution under this section that the drug paraphernalia used or possessed is used or possessed for the propagation, cultivation or processing of ~~industrial~~ hemp.

Sec. B-11. 17-A MRSA §1117, sub-§3, as enacted by PL 2003, c. 61, §9, is amended to read:

3. It is an affirmative defense to prosecution under this section that the substance cultivated or grown is ~~industrial~~ hemp.

Sec. B-12. 28-B MRSA §102, sub-§27, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

27. Marijuana. "Marijuana" means the leaves, stems, flowers and seeds of a marijuana plant, whether growing or not. "Marijuana" includes marijuana concentrate but does not include ~~industrial~~ hemp as defined in Title 7, section 2231, subsection 1 or a marijuana product.

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

Effective March 27, 2019.

CHAPTER 13

H.P. 26 - L.D. 25

An Act To Implement the Recommendations of the Government Oversight Committee Regarding Bureau of Alcoholic Beverages and Lottery Operations Reporting Requirements

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

Sec. 1. 8 MRSA §372, sub-§2, ¶H, as amended by PL 1991, c. 780, Pt. Y, §109, is further amended to read:

H. Certify monthly to the ~~Treasurer of State, the~~ commission and the commissioner a full and complete statement of lottery revenues, prize disbursements and other expenses for the preceding month; ~~submit an annual report, subject to the approval of the commission, that must include a full and complete statement of lottery revenues, prize disbursements and expenses, to the Governor and the Legislature, together with recommendations for changes in this chapter;~~

Sec. 2. 8 MRSA §372, sub-§2, ¶I, as amended by PL 2003, c. 673, Pt. MM, §1, is further amended to read:

I. Carry on a continuous study and investigation of the lotteries throughout the State and the operation and administration of similar laws that may be in effect in other jurisdictions. The director, subject to the prior approval of the commission,

may enter into a written agreement with a multi-jurisdictional lottery association for the operation, marketing and promotion of a joint lottery or joint lottery games with other jurisdictions.

Any final agreement entered into with a multi-jurisdictional lottery association must provide that the director has the authority to terminate the agreement upon the provision of reasonable notice, not to exceed 6 months. The final agreement must further provide that the director may terminate the agreement at any time, without prior notice, in the event that the director's authority is withdrawn or limited by law; ~~and~~

Sec. 3. 8 MRSA §372, sub-§2, ¶J, as enacted by PL 1991, c. 780, Pt. Y, §112, is amended to read:

J. Assign duties as necessary to a designee; ~~and~~

Sec. 4. 8 MRSA §372, sub-§2, ¶K is enacted to read:

K. Beginning February 15, 2020, submit a report annually, subject to the approval of the commission, to the Governor and the joint standing committees of the Legislature having jurisdiction over lottery matters and appropriations and financial affairs. The joint standing committee of the Legislature having jurisdiction over lottery matters may submit to the Legislature legislation based on the report. The report must include:

- (1) A list of the decisions made by the commission and resulting actions for the preceding calendar year relevant to lottery operations;
- (2) A complete statement of lottery revenues, prize disbursements and expenses and appropriations from the General Fund, if any, for the preceding calendar year;
- (3) A 5-year history of the account used to manage lottery operations, which must include the amount of revenues deposited into the State Lottery Fund and the amounts transferred to the General Fund;
- (4) A detailed statement of the expenditures made to promote lottery sales through marketing, advertising and recruitment of agents for the preceding calendar year;
- (5) A description of the lottery marketing and advertising activities for the preceding calendar year. The description must identify each radio station and television station, if any, that broadcast or distributed the advertising;
- (6) For each radio station and television station identified pursuant to subparagraph (5), the format of advertising activity and amount

of the expenditures for the preceding calendar year associated with each station; and

(7) Any recommendations for changes to this chapter.

Sec. 5. 28-A MRSA §83-B, sub-§11, as enacted by PL 2013, c. 476, Pt. A, §9, is amended to read:

11. Certification. Certify monthly to the ~~Treasurer of State commission~~ and the commissioner a complete statement of expenses and revenues collected in accordance with the licensing and enforcement functions of the bureau including a statement of the revenues collected under chapter 65. The bureau shall submit an annual report that includes a complete statement of expenses and revenues collected in accordance with the licensing and enforcement functions of the bureau to the Governor and the joint standing committee of the Legislature having jurisdiction over alcoholic beverage matters, together with recommendations for changes to this Title.

Sec. 6. 28-A MRSA §83-C, sub-§7, as enacted by PL 2013, c. 476, Pt. A, §9, is amended to read:

7. Certification. Certify monthly to the ~~Treasurer of State commission~~ and the commissioner a complete statement of revenues from and expenses for the sale of spirits by the bureau ~~and submit an annual report that includes a complete statement of the revenues and expenses of the bureau to the Governor and the joint standing committee of the Legislature having jurisdiction over alcoholic beverage matters, together with recommendations for changes to this Title;~~

Sec. 7. 28-A MRSA §84, sub-§5, as amended by PL 2015, c. 430, §2, is repealed.

Sec. 8. 28-A MRSA §84, sub-§6, as enacted by PL 2015, c. 430, §3, is amended to read:

6. Implement a spirits sales data reporting system. Collect from reselling agents data on spirits sales made by each reselling agent to establishments licensed to sell spirits for on-premises consumption. The data must include, but is not limited to, the amount and date of sale of each product code sold to on-premises licensees by the reselling agent. For the purposes of this subsection, "product code" has the same meaning as in section 461. For the purposes of collecting on-premises spirits sales data from reselling agents, the director shall enter into a contract with a trade association representing states that control and manage the sale of spirits. The contract must require that neither the bureau nor the trade association may make publicly available any information that would specifically identify the reselling agent, including, but not limited to, the reseller's name, the name of the reseller's agency liquor store, the reseller's agency liquor store's address or the address of any associated storage facility of the reselling agent; and

Sec. 9. 28-A MRSA §84, sub-§7 is enacted to read:

7. Annual report. Beginning February 15, 2020, submit a report annually, subject to the approval of the commission, to the Governor and the joint standing committees of the Legislature having jurisdiction over alcoholic beverage matters and appropriations and financial affairs. The joint standing committee of the Legislature having jurisdiction over alcoholic beverage matters may submit to the Legislature legislation based on the report. The report must include:

A. A complete statement of the revenues and expenses for the bureau for the preceding calendar year;

B. A complete statement of the information required by section 83-B, subsection 11 for the preceding calendar year;

C. A complete statement of the information required by section 83-C, subsection 7 for the preceding calendar year;

D. The information required by section 83-C, subsection 9; and

E. Any recommendations for changes to this Title.

See title page for effective date.

**CHAPTER 14
H.P. 65 - L.D. 79**

An Act To Protect Shooting Ranges

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

Sec. 1. 12 MRSA §11209, sub-§1, ¶A, as amended by PL 2015, c. 71, §1, is further amended to read:

A. Unless a relevant municipal ordinance provides otherwise and except as provided in ~~subsection~~ subsections 3 and 4 and sections 12401 and 12402, discharge a firearm, including a muzzle-loading firearm, or crossbow or cause a projectile to pass as a result of that discharge within 100 yards of a building or residential dwelling without the permission of the owner or, in the owner's absence, of an adult occupant of that building or dwelling authorized to act on behalf of the owner; or

Sec. 2. 12 MRSA §11209, sub-§4 is enacted to read:

4. Sport shooting ranges. Unless otherwise prohibited, a person may discharge a firearm on a

sport shooting range as defined in Title 30-A, section 3011, subsection 1 that is within 100 yards of a building if the sport shooting range was established and in regular operation prior to the erection of the building.

See title page for effective date.

**CHAPTER 15
H.P. 291 - L.D. 382**

An Act To Fund Services for Blind and Visually Impaired Persons at the Maine State Library

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

Sec. 1. 27 MRSA §9 is enacted to read:

§9. Blind and Visually Impaired News Access Fund

The Blind and Visually Impaired News Access Fund, referred to in this section as "the fund," is established as a dedicated fund within the Maine State Library to be used to provide access to a news service provided by a national federation for blind and visually impaired persons. The fund is nonlapsing. The fund receives money transferred by the Public Utilities Commission from the state universal service fund pursuant to Title 35-A, section 7104, subsection 9. The Maine State Library may accept gifts or grants, including, but not limited to, federal grants, for the purposes of this section. Funds transferred from the state universal service fund pursuant to Title 35-A, section 7104, subsection 9 and all gifts and grants and authorized appropriations must be deposited in the fund.

Sec. 2. 35-A MRSA §7104, sub-§9 is enacted to read:

9. Blind and Visually Impaired News Access Fund. The commission shall annually transfer \$40,000 from a state universal service fund established pursuant to this section to the Blind and Visually Impaired News Access Fund established under Title 27, section 9.

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

LIBRARY, MAINE STATE

Blind and Visually Impaired News Access Fund N292

Initiative: Allocates ongoing funds to support access to the National Federation of the Blind's news network for blind and visually impaired persons.