

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

or permit as may be required under this subchapter;

B. Handles or transports any substance or material identified as hazardous waste by the board in any manner that violates the terms of any condition, order, rule, license, permit, approval or decision of the board or commissioner with respect to the handling or transporting of that substance or material; or

C. Gives custody or possession of any such substance or material to any other person whom that person knows or has reason to believe:

- (1) Does not have a license or permit to transport or handle such substance or material as may be required under this subchapter; or
- (2) Will transport or handle such substance or material in violation of this subchapter or rules adopted under it.

A person who violates the provisions of this subsection may be punished accordingly, except that, notwithstanding Title 17-A, section ~~1301~~ 1704, subsection 1, ~~paragraph B, 4~~ or Title 17-A, section ~~1304~~ 1705, subsection 3, ~~paragraph E 5~~, the fine for such violation may not exceed \$25,000 for each day of the violation.

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

Effective May 16, 2019.

CHAPTER 114

H.P. 297 - L.D. 388

An Act To Recognize Employee Background Checks Conducted for Out-of-state Schools Eligible for Maine Tuition Assistance

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 legislation must take effect before the expiration of the 90-day period so that it applies to the next school year; 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. 20-A MRSA §5808, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§5808. Schools outside state

The tuition payment for students educated in whole in another state or country may not exceed the average per pupil cost in all secondary schools of this State. The legislative body of the school administrative unit may vote to authorize its school board to pay a larger tuition rate.

For an out-of-state secondary school that serves a student who resides in a school administrative unit that does not maintain a secondary school, the tuition payment may not be withheld solely because persons regularly employed in that school do not meet the requirements of section 6103, as long as those persons are required to meet background check standards in that state determined by the commissioner to be equivalent to the requirements of section 6103. The commissioner shall adopt rules to implement this paragraph. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Notwithstanding any other provision of law to the contrary, an out-of-state secondary school that was included on the list of approved out-of-state secondary schools maintained by the department for the 2017-2018 school year must continue to receive tuition payments under this section for any student who was enrolled at that school for the 2018-2019 school year. Tuition payments must continue for such a student until that student graduates or terminates enrollment.

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

Effective May 16, 2019.

CHAPTER 115

H.P. 380 - L.D. 523

An Act To Permit the Indoor Production of Industrial Hemp

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 legislation must take effect before the expiration of the 90-day period to help ensure industrial hemp producers do not lose a year of production; 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. 7 MRSA §2231, sub-§3, as amended by PL 2019, c. 12, Pt. B, §1, is further amended to read:

3. Application. A person desiring to grow hemp for commercial purposes shall apply to the commissioner for a license on a form prescribed by the commissioner. The application must include the name and address of the applicant, the legal description of the land area or indoor facility to be used for the production of hemp and a map, an aerial photograph or global positioning coordinates sufficient for locating the production fields or the floor plan of any indoor facility. For purposes of this subsection, "indoor facility" includes a building, greenhouse, cold frame, hoop house, high tunnel, floating row cover or other agricultural or horticultural method of extending the growing season by enclosing the growing area.

Sec. 2. Rules. The Department of Agriculture, Conservation and Forestry shall amend its rules regarding industrial hemp to allow for the indoor production of industrial hemp. Rules adopted pursuant to this section are routine technical rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

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

Effective May 16, 2019.

CHAPTER 116

H.P. 655 - L.D. 881

An Act To Ensure Equitable Treatment of Super Pack License Holders in Antlerless Deer Permit Lotteries

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 legislation needs to take effect before the expiration of the 90-day period in order for its provisions to take effect before the 2019 deer hunting season; 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 §11109-A, sub-§2, as amended by PL 2011, c. 252, §1 and affected by §2, is repealed.

Sec. 2. 12 MRSA §11109-A, sub-§2-A is enacted to read:

2-A. Antlerless deer permit. A super pack license includes:

A. An antlerless deer permit as provided under section 11152, except that it is valid only for antlerless deer in wildlife management districts in which at least 3,500 antlerless deer permits are issued. No more than 2.5% of those antlerless deer permits may be in the form of a super pack license. The commissioner shall implement a system for issuing antlerless deer permits under this paragraph; and

B. An opportunity to enter a bonus antlerless-only deer permit lottery established by the commissioner by rule pursuant to section 11152.

If a super pack licensee obtains an antlerless deer permit pursuant to paragraph A, that person is not eligible to obtain an antlerless deer permit through an antlerless deer permit lottery established by the commissioner pursuant to section 11152.

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

Effective May 16, 2019.

CHAPTER 117

H.P. 843 - L.D. 1154

An Act To Increase the Betting Limit on Games of Chance at Fairs and Festivals and To Expand Allowed Operation

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 changes proposed in this legislation affecting the operation of card games and games of chance conducted at agricultural fairs must take