

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

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

effect prior to the commencement of this year's agricultural fair 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. 17 MRSA §1834, sub-§4, as amended by PL 2017, c. 284, Pt. KKKKK, §16, is further amended to read:

4. Games of cards. The fee for a license issued to an organization to operate a game of cards, when the organization charges no more than a \$10 daily entry fee for participation in the games of cards and when no money or valuable thing other than the \$10 daily entry fee is gambled by any person in connection with the game of cards, is \$30 for each calendar year or portion of a calendar year. For card games that are played by placing the maximum bet of ~~\$1~~ \$5 per hand or per deal, inclusive of any raises made during the hand or deal, the license fee for a calendar month is \$60 and the fee for licenses issued for a calendar year is \$700.

Sec. 2. 17 MRSA §1835, sub-§§1 and 3, as amended by PL 2017, c. 284, Pt. KKKKK, §17, are further amended to read:

1. Wagers or entry fees for card games; exceptions. The following limits apply to a card game.

A. The maximum bet for a licensed card game in which bets are placed per hand or per deal is ~~\$1~~ \$5, inclusive of any raises made during the hand or deal.

B. Licensed card games that award part or all of the entry fees paid to participate in the game as prize money and in which no money or thing of value is wagered except for the entry fee are limited to a \$10 daily entry fee and no more than 60 players at any one time at any one location.

C. ~~If~~ Notwithstanding paragraph A, if the licensee operates card games for less than 3 total days in a calendar year and contributes 100% of the gross revenue from those games to charity, the amount wagered must be limited to:

- (1) A \$1 daily entry fee;
- (2) Fifty cents per game; or
- (3) Twenty-five cents per card received.

Prior to play of the game, the license shall determine which of the limits in subparagraphs (1), (2) and (3) is to be used and shall post the limit where the game is conducted.

3. Games conducted at agricultural fair by members of the agricultural society or a bona fide nonprofit. Card games operated and conducted solely by members of an agricultural society or card games operated and conducted by members of bona fide nonprofit organizations on the grounds of the agricultural society and during the annual fair of the agricultural society may use cash, tickets, tokens or other devices approved by the Gambling Control Unit by rule.

Notwithstanding any other provision of this section, the tickets, tokens or other devices approved by the Gambling Control Unit must be unique to the agricultural society and may be in denominations of 25¢, 50¢ ~~or~~ \$1 or \$5. The tickets, tokens or devices approved by the Gambling Control Unit may be sold and redeemed only by a person who has been a member or active volunteer of the agricultural society for at least 2 fair seasons. The agricultural society has the burden of proof for demonstrating the qualification of members or active volunteers.

An agricultural society that uses tokens shall provide records and reports as required by section 1839.

Sec. 3. 17 MRSA §1835, sub-§5, as amended by PL 2017, c. 284, Pt. KKKKK, §17, is further amended to read:

5. Location. A license issued pursuant to this section must specify the location where the organization may operate the licensed card game. A licensee may not operate card games in more than one location at the same time.

A. An agricultural society or a bona fide nonprofit organization may operate a card game on the grounds of an agricultural society and during the annual fair of the agricultural society.

B. No more than one licensee may operate a card game at a time on the same premises. In any room where a licensed card game is being conducted, there must be at least one member of the licensee present in that room for every 2 non-members who are present. That member must have been a member of the licensee for at least one year. A member of the licensee, either directly or through another member or guest, may not stake or risk something of value in the licensee's card game unless the member has been a member of the licensee for at least 14 days not including the day of admission into membership.

A bona fide nonprofit organization may operate a licensed card game to which the general public has access ~~once every 3 months~~ no more than 4 times in a calendar year for a period not to exceed ~~3~~ 4 consecutive days. The licensed card game may be operated at any location described in the license and may be conducted only by members of the licensee.

Sec. 4. 17 MRSA §1835-A, sub-§1, ¶¶A and B, as enacted by PL 2017, c. 284, Pt. KKKKK, §18, are amended to read:

A. The maximum bet for a licensed game of chance is ~~\$1~~ \$5.

B. ~~If Notwithstanding paragraph A, if~~ the registrant operates games of chance for less than 3 total days in a calendar year and contributes 100% of the gross revenue from those games of chance to charity, the amount wagered must be limited to:

- (1) A \$1 daily entry fee; or
- (2) Fifty cents per game.

Sec. 5. 17 MRSA §1835-A, sub-§3, as enacted by PL 2017, c. 284, Pt. KKKKK, §18, is amended to read:

3. Games conducted at agricultural fair by members of the agricultural society or a bona fide nonprofit. Games of chance operated and conducted solely by members of an agricultural society or games of chance operated and conducted by members of bona fide nonprofit organizations on the grounds of the agricultural society and during the annual fair of the agricultural society may use cash, tickets, tokens or other devices approved by the Gambling Control Unit by rule.

Notwithstanding any other provision of this section, the tickets, tokens or other devices approved by the Gambling Control Unit must be unique to the agricultural society and may be in denominations of 25¢, 50¢ ~~or~~, \$1 or \$5. The tickets, tokens or devices approved by the Gambling Control Unit may be sold and redeemed only by a person who has been a member or active volunteer of the agricultural society for at least 2 fair seasons. The agricultural society has the burden of proof for demonstrating the qualification of members or active volunteers.

An agricultural society that uses tokens shall provide records and reports as required by section 1839.

Sec. 6. 17 MRSA §1835-A, sub-§5, as enacted by PL 2017, c. 284, Pt. KKKKK, §18, is amended to read:

5. Location. A registration for a game of chance must specify the location where the organization may operate the game. A registrant may not operate games of chance in more than one location at the same time.

A. An agricultural society or a bona fide nonprofit organization may operate a game of chance on the grounds of an agricultural society and during the annual fair of the agricultural society.

B. No more than one registrant may operate a game of chance at a time on the same premises. In any room where a registered game of chance is being conducted, there must be at least one mem-

ber of the organization registered to conduct games of chance present in that room for every 2 nonmembers who are present. That member must have been a member of the registered organization for at least one year. A member of the organization registered to conduct games of chance, either directly or through another member or guest, may not stake or risk something of value in the registrant's game of chance unless the member has been a member of the organization registered to conduct games of chance for at least 14 days not including the day of admission into membership.

A bona fide nonprofit organization may operate a registered game of chance to which the general public has access ~~once every 3 months~~ no more than 4 times in a calendar year for a period not to exceed ~~3~~ 4 consecutive days. The game of chance may be operated at any location described in the organization's registration and may be conducted only by members of the registrant. This subsection does not apply to raffles conducted in accordance with section 1837-A.

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

Effective May 16, 2019.

CHAPTER 118

H.P. 164 - L.D. 201

An Act To Protect Jobs in the State by Strengthening the Advance Notice Requirement for the Relocation or Closure of a Large Business

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

Sec. 1. 26 MRSA §625-B, sub-§§6 and 6-A, as amended by PL 2015, c. 417, §1, are further amended to read:

6. Notice of director. Any person proposing to relocate or close a covered establishment shall notify the director in writing not less than ~~60~~ 90 days prior to the relocation or closing. A person initiating a mass layoff at a covered establishment shall notify the director as far in advance as practicable, and no later than within 7 days of the layoff, and shall report to the director the expected duration of the layoff and whether it is of indefinite or definite duration. The director shall, from time to time, but no less frequently than every 30 days, require the employer to report such facts as the director considers relevant to determine whether the mass layoff constitutes a closing under this section or whether there is a substantial reason to believe the affected employees will be recalled. A