

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

(1) Refuse to serve a customer who does not provide consent under paragraph A; or

(2) Charge a customer a penalty or offer a customer a discount based on the customer's decision to provide or not provide consent under paragraph A.

C. A provider may use, disclose, sell or permit access to information the provider collects pertaining to a customer that is not customer personal information, except upon written notice from the customer notifying the provider that the customer does not permit the provider to use, disclose, sell or permit access to that information.

4. Other exceptions. Notwithstanding the provisions of subsections 2 and 3, a provider may collect, retain, use, disclose, sell and permit access to customer personal information without customer approval:

A. For the purpose of providing the service from which such information is derived or for the services necessary to the provision of such service;

B. To advertise or market the provider's communications-related services to the customer;

C. To comply with a lawful court order;

D. To initiate, render, bill for and collect payment for broadband Internet access service;

E. To protect users of the provider's or other providers' services from fraudulent, abusive or unlawful use of or subscription to such services; and

F. To provide geolocation information concerning the customer:

(1) For the purpose of responding to a customer's call for emergency services, to a public safety answering point; a provider of emergency medical or emergency dispatch services; a public safety, fire service or law enforcement official; or a hospital emergency or trauma care facility; or

(2) To a provider of information or database management services solely for the purpose of assisting in the delivery of emergency services in response to an emergency.

5. Security of customer personal information. A provider shall take reasonable measures to protect customer personal information from unauthorized use, disclosure or access.

A. In implementing security measures required by this subsection, a provider shall take into account each of the following factors:

(1) The nature and scope of the provider's activities;

(2) The sensitivity of the data the provider collects;

(3) The size of the provider; and

(4) The technical feasibility of the security measures.

B. A provider may employ any lawful measure that allows the provider to comply with the requirements of this subsection.

6. Notice required. A provider shall provide to each of the provider's customers a clear, conspicuous and nondeceptive notice at the point of sale and on the provider's publicly accessible website of the provider's obligations and a customer's rights under this section.

7. Applicability. The requirements of this section apply to providers operating within the State when providing broadband Internet access service to customers that are physically located and billed for service received in the State.

Sec. 2. Effective date. This Act takes effect July 1, 2020.

Effective July 1, 2020.

CHAPTER 217

H.P. 818 - L.D. 1129

An Act To Clarify Certain Provisions of the Maine Medical Use of Marijuana Act

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

Sec. 1. 22 MRSA §2422, sub-§1-F is enacted to read:

1-F. Caregiver retail store. "Caregiver retail store" means a store that has attributes generally associated with retail stores, including, but not limited to, a fixed location, a sign, regular business hours, accessibility to the public and sales of goods or services directly to a consumer, and that is used by a registered caregiver to offer marijuana plants or harvested marijuana for sale to qualifying patients.

Sec. 2. 22 MRSA §2423-A, sub-§2, ¶P, as enacted by PL 2017, c. 452, §4, is amended to read:

P. Operate one caregiver retail store to sell harvested marijuana to qualifying patients for the patients' medical use in accordance with this chapter; and

Sec. 3. 22 MRSA §2423-A, sub-§3, ¶C-1, as enacted by PL 2017, c. 452, §4, is amended to read:

C-1. A caregiver operating under paragraph C may engage in the conduct authorized in subsection 2, except that a caregiver operating under paragraph C may not:

- (1) Cultivate marijuana plants for more than 2 members of the family or members of the same household;
- (2) Cultivate more than 6 mature marijuana plants and 12 immature marijuana plants for each qualifying patient who has designated the caregiver to cultivate marijuana plants on the patient's behalf;
- (3) Possess more than 8 pounds of harvested marijuana;
- (4) Sell marijuana plants or harvested marijuana at wholesale under subsection 2, paragraph K-1;
- (5) Use a pesticide under subsection 2, paragraph J;
- (6) Operate a caregiver retail store under subsection 2, paragraph P; or
- (7) Organize as a business entity under subsection 2, paragraph Q.

Sec. 4. 22 MRSA §2424, sub-§4, ¶B, as enacted by PL 2017, c. 452, §10, is amended to read:

B. Minimum security requirements for registered caregivers operating caregiver retail stores pursuant to section ~~242-A~~ 2423-A, subsection 2, paragraph P and registered dispensaries and any additional location at which a dispensary cultivates marijuana plants for medical use by qualifying patients.

Sec. 5. 22 MRSA §2429-D, as enacted by PL 2017, c. 452, §18, is amended to read:

§2429-D. Local regulation

Pursuant to the home rule authority granted under the Constitution of Maine, Article VIII, Part Second and Title 30-A, section 3001, a municipality may regulate registered caregivers, ~~registered~~ caregiver retail stores operating pursuant to section 2423-A, subsection 2, paragraph P, registered dispensaries, marijuana testing facilities and manufacturing facilities.

A municipality may not:

1. Registered caregivers. Prohibit or limit the number of registered caregivers;

2. Stores, dispensaries, testing and manufacturing facilities. Prohibit ~~registered~~ caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities that are operating with municipal approval in the municipality prior to the effective date of this section. For purposes of this subsection, "municipal approval" means an examination and approval of the store, dispensary or facility for the use of the premises consistent with conduct authorized under this chapter, including, but not limited to, a conditional use approval or site plan approval.

al. "Municipal approval" does not include issuance of a building, electrical or other similar permit or authorization that does not address the use of the structure or facility for which the permit or authorization is issued; or

3. Municipal authorization needed. Authorize ~~registered~~ caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities that are not operating on the effective date of this section to operate in the municipality unless the municipal legislative body, as defined in Title 30-A, section 2001, subsection 9, has voted to adopt or amend an ordinance or approve a warrant article allowing ~~registered~~ caregiver retail stores, registered dispensaries, marijuana testing facilities or manufacturing facilities, as applicable, to operate within the municipality.

See title page for effective date.

CHAPTER 218

H.P. 954 - L.D. 1319

An Act To Prohibit Employer Disciplinary Action against Firefighters and Emergency Medical Services Persons Responding to an Emergency

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

Sec. 1. 26 MRSA §809, as amended by PL 2013, c. 477, §§1 to 6, is further amended to read:

§809. Absence for emergency response

1. Definitions. As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Employer" means any private or public employer, including the State and political subdivisions of the State.

A-1. "Firefighter" has the same meaning as "municipal firefighter" and "volunteer firefighter" in Title 30-A, section 3151, subsections 2 and 4.

A-2. "Emergency medical services person" has the same meaning as in Title 32, section 83, subsection 12 and includes a volunteer emergency medical services person.

B. "Responding to an emergency" means responding to, working at the scene of or returning from a fire or emergency medical services call, a hazardous or toxic materials spill and cleanup or any other situation to which the fire department or emergency medical services provider has been dispatched.