

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. 27. 22 MRSA §2428, sub-§9, ¶B, as amended by PL 2017, c. 452, §16, is further amended to read:

B. A dispensary may not dispense, deliver or otherwise transfer marijuana plants or harvested marijuana except as provided in this chapter.

Sec. 28. 22 MRSA §2429-A, sub-§4, as enacted by PL 2017, c. 452, §18, is amended to read:

4. Educational materials. A person that provides harvested marijuana to a qualifying patient must make educational materials about ~~medical~~ the use of harvested marijuana available to the qualifying patient at the time of the transaction. The department shall develop the minimum content of the educational materials provided under this subsection and make that content available publicly.

Sec. 29. 22 MRSA §2429-B, sub-§1, ¶E, as enacted by PL 2017, c. 452, §18, is amended to read:

E. Market to any person authorized to possess marijuana plants or harvested marijuana under this chapter and specifically to any adult use or recreational marijuana market within the same sign, advertisement or marketing material.

Sec. 30. 22 MRSA §2429-C, sub-§5, as enacted by PL 2017, c. 452, §18, is amended to read:

5. Addition to trademarked food or drink. May not involve the addition of harvested marijuana to a trademarked food or drink product, except when the trademarked product is used as a component of or ingredient in the edible marijuana product and the edible marijuana product is not advertised or described for sale as containing the trademarked product.

Sec. 31. 22 MRSA §2430, sub-§5, as enacted by PL 2017, c. 452, §22, is amended to read:

5. Medical marijuana research grant program established. The medical marijuana research grant program, referred to in this subsection as "the program," is established within the department to provide grant money to support objective scientific research, including observational and clinical trials and existing research, on the efficacy of harvested marijuana as part of medical treatment and the health effects of harvested marijuana used as part of medical treatment. The program must be funded from the fund. The department shall adopt rules necessary to implement the program, including, but not limited to, required qualifications of persons conducting the research; determining the scientific merit and objectivity of a research proposal; criteria for determining the amount of program funds distributed; criteria for determining the duration of the research; procedures for soliciting research participants, including outreach to patients, and for obtaining the informed consent of participants; and reporting requirements for the results of the research and evaluation of the research results. Rules adopted

pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 32. 22 MRSA §2430-G, sub-§1, ¶B, as enacted by PL 2017, c. 452, §24, is amended to read:

B. The department shall develop and implement a statewide electronic portal through which registered caregivers, registered dispensaries, marijuana testing facilities and manufacturing facilities may submit to the department the records required under paragraph A and in accordance with rules adopted by the department. A registered caregiver, registered dispensary, marijuana testing facility and manufacturing facility shall pay all costs and fees associated with the use of this electronic portal and all other fees associated with the keeping of records required in this section in accordance with rules adopted by the department. The department shall adopt rules regarding the process and content of records to be submitted, the frequency with which the records must be submitted, the costs and fees associated with using the electronic portal and any other requirements necessary to implement this paragraph.

See title page for effective date.

CHAPTER 332 H.P. 1231 - L.D. 1729

An Act To Create a Carrier License for Pelagic and Anadromous Fish

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

Sec. 1. 12 MRSA §6041, sub-§2, as enacted by PL 2009, c. 527, §1, is amended to read:

2. Sources of revenue. The fund is capitalized by surcharges assessed under section 6502-A, subsection 7 and fees collected pursuant to section 6502-B, subsection 4. In addition to those revenues, the commissioner may accept and deposit in the fund money from any other source, public or private.

Sec. 2. 12 MRSA §6502-B is enacted to read:
§6502-B. Carrier license

1. License required. A person may not engage in the activities authorized under this section without a current carrier license.

2. Licensed activity. If rules adopted pursuant to subsection 5 allow vessels to possess or transport fish, the holder of a carrier license may possess or transport on the vessel listed on the carrier license Atlantic herring or Atlantic menhaden that the holder has not taken.

3. Eligibility. A carrier license may be issued only to an individual.

4. Fees. The fee for a carrier license is \$98. The commissioner shall deposit the fee in the Pelagic and Anadromous Fisheries Fund established under section 6041.

5. Rules. The commissioner may adopt rules regarding the operations of vessels possessing or transporting fish pursuant to a carrier license. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

6. Violation. A person who violates this section commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

Sec. 3. Effective date. This Act takes effect on January 1, 2020.

Effective January 1, 2020.

CHAPTER 333

H.P. 1242 - L.D. 1743

An Act To Reclassify Certain Waters of the State

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

Sec. 1. 38 MRSA §467, sub-§1, ¶D, as amended by PL 2009, c. 163, §2, is further amended to read:

D. Androscoggin River, minor tributaries - Class B unless otherwise specified.

- (1) All tributaries of the Androscoggin River that enter between the Maine-New Hampshire boundary in Gilead and its confluence with, and including, the Ellis River and that are not otherwise classified - Class A.
- (2) Bear River - Class AA.
- (3) Sabattus River from Sabattus Lake to limits of the Lisbon urban area - Class C.
- (4) Webb River - Class A.
- (5) Swift River, and its tributaries, above the Mexico-Rumford boundary - Class A.
- (6) Nezinscot River, east and west branches above their confluence in Buckfield - Class A.
- (7) Wild River in Gilead, Batchelders Grant - Class AA.
- (8) Aunt Hannah Brook and its tributaries in Dixfield - Class A.

(9) Tributaries to Webb Lake - Class A.

Sec. 2. 38 MRSA §467, sub-§4, ¶I, as amended by PL 2009, c. 163, §4, is further amended to read:

I. Kennebec River, minor tributaries - Class B unless otherwise specified.

(1) All minor tributaries entering above Wyman Dam that are not otherwise classified - Class A.

(2) All tidal portions of tributaries entering between the Sidney-Vassalboro-Augusta town line and a line drawn across the tidal estuary of the Kennebec River due east of Abagadasset Point - Class B, unless otherwise specified.

(a) Eastern River from head of tide to its confluence with the Kennebec River - Class C.

(3) Cold Stream, West Forks Plantation - Class AA.

(4) Moxie Stream, Moxie Gore, below a point located 1,000 feet downstream of the Moxie Pond dam - Class AA.

(5) Austin Stream and its tributaries above the highway bridge of Route 201 in the Town of Bingham - Class A.

(6) East Branch Wesserunsett Stream above the downstream Route 150, Harmony Road, crossing in Athens - Class A.

(7) Tributaries to East Branch Wesserunsett Stream - Class A.

Sec. 3. 38 MRSA §467, sub-§7, ¶A, as amended by PL 2003, c. 317, §12, is further amended to read:

A. Penobscot River, main stem.

(1) From the confluence of the East Branch and the West Branch to the confluence of the Mattawamkeag River, including all impoundments - Class ~~C~~ B.

(2) From the confluence of the Mattawamkeag River to the confluence of Cambolasse Stream - Class B.

(3) From the confluence of Cambolasse Stream to the West Enfield Dam - Class B.

(5) From the West Enfield Dam, ~~including the Stillwater Branch,~~ to the ~~Veazie Milford~~ Dam, including all impoundments, ~~and the Stillwater Branch~~ - Class B.

(6) From the ~~Veazie Milford~~ Dam, but not including the ~~Veazie Milford~~ Dam, to the Maine Central Railroad bridge in Bangor-