

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) Transfer marijuana plants and harvested marijuana to a qualifying patient and to a caregiver on behalf of a qualifying patient in a retail sale for reasonable compensation;

(2) Transfer marijuana plants and harvested marijuana to a qualifying patient, caregiver or dispensary for no remuneration;

(3) Acquire marijuana plants and harvested marijuana from another dispensary for no remuneration;

(4) Transfer to and accept from a registered caregiver or another dispensary marijuana plants and harvested marijuana in a wholesale transaction in accordance with this paragraph. A dispensary may transfer in wholesale transactions for reasonable compensation or for no remuneration up to 75% of the mature marijuana plants grown by the dispensary over the course of a calendar year, including any marijuana products or marijuana concentrate manufactured from that 75% of the mature marijuana plants grown by the dispensary. A dispensary may transfer to or accept from registered caregivers and dispensaries in wholesale transactions an unlimited amount of immature marijuana plants and seedlings. A dispensary that acquires mature marijuana plants, marijuana products or marijuana concentrate in a wholesale transaction under this subparagraph may not resell the mature marijuana plants, marijuana products or marijuana concentrate except to a qualifying patient or to a caregiver or dispensary to assist a qualifying patient;

(5) Transfer harvested marijuana to a manufacturing facility and accept marijuana products and marijuana concentrate from the manufacturing facility that are produced from the harvested marijuana the dispensary provided to the manufacturing facility; and

(6) Provide samples to a marijuana testing facility for testing and research purposes;

Sec. 8. 28-B MRSA §503, sub-§2, ¶A, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

A. Is certified for operation ~~by~~ under the certification program within the Department of Health and Human Services, Maine Center for Disease Control and Prevention established pursuant to Title 22, section 569 and, in accordance with rules adopted by the department after consultation with the Department of Health and Human Services, Maine Center for Disease Control and Prevention, which must allow for inspection of the proposed or operational testing facility by the department and the Department of Health and Human Ser-

VICES, Maine Center for Disease Control and Prevention;

Sec. 9. Appropriations and allocations.

The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF**

**Maine Center for Disease Control and Prevention
0143**

Initiative: Provides allocations to allow expenditure of additional certification fees.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$10,000	\$10,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$10,000	\$10,000

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

Effective June 18, 2019.

**CHAPTER 355
H.P. 1295 - L.D. 1818**

**An Act To Clarify and
Enhance Certain Maine
Wildlife Laws**

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 provisions of this Act need to become effective before 90 days after the adjournment of the First Regular Session of the 129th Legislature in order for changes to laws governing the hunting of moose to take effect and to provide time to educate hunters on these new provisions prior to the first hunt occurring in September 2019; and

Whereas, chronic wasting disease has been detected in a captive deer farm in the Province of Quebec, not far from the Maine border, and it is yet to be determined if this disease has reached wild deer populations and, due to the devastating impact this disease has on wild deer and moose populations and the potential significant negative impact this disease would have on Maine's economy, hunting traditions and people's livelihoods, clear authority to allow the Commissioner of Inland Fisheries and Wildlife to act decisive-

ly to protect Maine's moose and deer populations from chronic wasting disease is immediately necessary; 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 §10001, sub-§3, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

3. Antlerless moose. "Antlerless moose" means a moose without antlers ~~or a moose with antlers that are shorter than its ears.~~

Sec. 2. 12 MRSA §10105, sub-§14, ¶A, as amended by PL 2013, c. 280, §2, is further amended to read:

A. Prohibit ~~or limit~~ the feeding of deer, bear, moose and wild turkey at any location if there is documented evidence of chronic wasting disease, as defined in Title 7, section 1821, subsection 1, in the State or within 50 miles of the border of the State or if the commissioner has reason to believe that the type or location of feed may create a public safety hazard or may have a detrimental effect on deer, bear, moose and wild turkey; and

Sec. 3. 12 MRSA §10105, sub-§14, ¶B, as amended by PL 2013, c. 280, §2, is repealed.

Sec. 4. 12 MRSA §11851, sub-§§1 and 2, as amended by PL 2015, c. 301, §26, are further amended to read:

1. Unlawfully hunting or trapping wild birds. A person may not hunt or trap a wild bird, other than the English or European house sparrow, the rock pigeon, also known as the rock dove, and the European starling, except as provided in this Part.

2. Unlawful possession of wild birds. A person may not possess, alive or dead, a wild bird, other than the English or European house sparrow, the rock pigeon, also known as the rock dove, and the European starling, except as provided in this Part.

Sec. 5. 12 MRSA §11854, as amended by PL 2013, c. 280, §10, is further amended to read:

§11854. Nest or eggs of wild birds

A person may not take, possess or needlessly destroy the nest or eggs of a wild bird, except the English or European house sparrow, the rock pigeon, also known as the rock dove, and the European starling. A person who violates this section commits a Class E crime.

Sec. 6. 12 MRSA §12152, sub-§3-D, ¶E, as enacted by PL 2017, c. 205, §18, is amended to read:

E. A wildlife rehabilitation permit, which allows the holder to possess debilitated or orphaned wildlife and rehabilitate that wildlife and release it into the wild as soon as the wildlife is rehabilitated or euthanize that wildlife in accordance with humane euthanization procedures if rehabilitation and release are not possible. A wildlife rehabilitation permit is available at no cost and expires ~~2 years from~~ on December 31st of the 2nd complete year after the date of issuance;

Sec. 7. 12 MRSA §12404, sub-§3, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §242 and affected by §422, is further amended to read:

3. Birds. A person may not take or kill wild birds, with the exception of English or European house sparrows, European starlings, rock pigeons, also known as rock doves, and wild turkeys under sections 12401 and 12402.

A person who violates this subsection commits a Class E crime.

Sec. 8. 12 MRSA §12706, sub-§1, ¶C, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

C. Beauchamp Sanctuary: The following described territory situated in Rockport and Camden, in the County of Knox: Beginning at the mouth of Goose River in Rockport; ~~thence in a northerly direction along number 1 highway to the mouth of the Megunticook River in Camden where Pascal Avenue crosses Goose River; thence in an easterly direction along Pascal Avenue;~~ thence southerly along Main Street; thence in an easterly direction along Central Street; thence in a northerly direction along Union Street; thence in a northwesterly direction along School Street in Camden; thence in a northeasterly direction along U.S. Route 1 to where it crosses the Megunticook River; thence in a southerly direction along the south shore of the river and along the coast around Metcalf Point and Beauchamp Point and thence in a northerly northwesterly direction along the coast back to the said mouth of the Goose River;

Sec. 9. 12 MRSA §12707, sub-§2, ¶H, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

H. ~~The use of firearms on~~ Subsection 1-A applies to Megunticook Lake and Vicinity Sanctuary is prohibited only from the first day of April of each year to the 30th day of September following. From October 1st until March 31st of each year, hunting wild animals and wild birds is permitted.

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

Effective June 18, 2019.

**CHAPTER 356
S.P. 620 - L.D. 1835**

**An Act To Authorize Early
Payment of Anticipated Funds
to the Loring Job Increment
Financing Fund**

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 authorizes the payment of anticipated funds to the Loring Job Increment Financing Fund in advance of the payment scheduled on July 31, 2020; 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. 5 MRSA §13080-S, sub-§3, as amended by PL 2015, c. 486, §3 and affected by §5, is further amended to read:

3. Deposit and payment of revenue. On or before July 15th of each year, the assessor shall deposit an amount equal to 50% of the employment tax increment for the preceding year into a contingent account established, maintained and administered by the State Controller. On or before July 31st of each year, the assessor shall pay that amount to the fund.

A. At any time during the 12 months preceding the July 31, 2020 payment date, the assessor, at the direction of the Governor or upon the recommendation of the Commissioner of Economic and Community Development and the approval of the Commissioner of Administrative and Financial Services, shall deposit into the contingent account and pay to the fund an amount not to exceed the anticipated payment amount to the fund or the amount paid the previous year, whichever is greater. Any difference between the amount advanced and the amount finally determined to be due, in the event of an underpayment, must be added to the final payment due by July 31, 2020 or, in the event of an overpayment, must be de-

ducted from the final payment due by July 31, 2021.

This paragraph is repealed August 1, 2021

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

Effective June 18, 2019.

**CHAPTER 357
H.P. 216 - L.D. 292**

**An Act To Feed Maine's
Residents by Allowing Dairy
Dealers and Producers in the
State To Donate Fresh Milk to
Food Banks in the State**

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

Sec. 1. 7 MRSA §2964 is enacted to read:

§2964. Donations of fresh milk to food banks

The minimum price provisions of this chapter do not apply to donations of fresh milk produced and processed within the State by a dealer or producer-dealer to an incorporated nonprofit organization within the State established for the purpose of reducing hunger and increasing food security. Donations under this section may occur only if the fresh milk produced and processed within the State to be donated does not have a wholesale or retail market that will provide a higher monetary value to the dealer or producer-dealer.

See title page for effective date.

**CHAPTER 358
H.P. 279 - L.D. 353**

**An Act Regarding the Safety of
Recovery Residences**

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

Sec. 1. 25 MRSA §2452, sub-§4 is enacted to read:

4. Exception. Notwithstanding chapter 314 and Title 10, chapter 1103, a recovery residence must be treated as a residence for a family if the recovery residence meets the following requirements:

A. The recovery residence must be certified based on criteria developed by a nationally recognized organization that supports persons recovering from substance use disorder;