

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

ters of the State and \$34 for operating only on tidal waters of the State.

C. For a duplicate certificate of number, the fee is \$1.

D. For a duplicate validation sticker (per set), the fee is \$1.

E. For a certificate of number issued with transfer of ownership authorized in subsection 10, the fee is \$2.

Validation stickers are nontransferable.

A motorboat that is used for governmental purposes and is owned and operated in the State by the Federal Government, the State or a political subdivision of the State is exempt from registration fees.

Sec. 11. 12 MRSA §13104, sub-§13, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §390 and affected by §422, is repealed.

Sec. 12. 12 MRSA §13106-A, sub-§10, ¶B, as enacted by PL 2003, c. 655, Pt. B, §394 and affected by §422, is amended to read:

B. Operating the snowmobile in a manner that fails to control its speed at all times as necessary to avoid colliding with any person, vehicle, snowmobile or other object ~~on or adjacent to the snowmobile trail.~~

Sec. 13. 12 MRSA §13113, sub-§6, as enacted by PL 2005, c. 93, §3, is repealed.

Sec. 14. 36 MRSA §2903-D, sub-§2, ¶A, as amended by PL 2003, c. 414, Pt. B, §66 and affected by c. 614, §9, is further amended to read:

A. The Commissioner of Inland Fisheries and Wildlife receives 14.93% of that amount, to be used by the commissioner for the purposes set forth in Title 12, section 1893, subsection 3, section 10206, subsection 2, section 13104, subsections 2 to ~~13~~ 12 and section 13105, subsection 1; and

See title page for effective date.

CHAPTER 453

H.P. 1314 - L.D. 1843

An Act To Provide Funding for Two Positions in the Department of Agriculture, Conservation and Forestry

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

Sec. 1. Appropriations and allocations. The following appropriations and allocations are made.

AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF

Land Management and Planning 0239

Initiative: Establishes one Chief Planner position and one Planning and Research Associate II position in the Bureau of Land Management and Planning.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$169,110	\$177,230
OTHER SPECIAL REVENUE FUNDS TOTAL	\$169,110	\$177,230

See title page for effective date.

CHAPTER 454

H.P. 38 - L.D. 37

An Act To Allow for the Sale of Nonprescription Drugs through Vending Machines

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

Sec. 1. 32 MRSA §13751, sub-§2, as amended by PL 2007, c. 402, Pt. DD, §22, is further amended to read:

2. Classifications. Pharmacies must be licensed in classifications set out in this subsection.

Each pharmacy must apply for a license in one of the following classifications:

- A. Retail pharmacy;
- B. Mail order prescription pharmacy;
- C. Wholesale pharmacy;
- D. Rural health center; ~~or~~
- E. Free clinic; or
- F. Vending machine outlet.

Sec. 2. 32 MRSA §13792, as enacted by PL 1987, c. 710, §5, is repealed and the following enacted in its place:

§13792. Sale by certain methods prohibited

1. Methods of sale prohibited. A person may not sell, distribute, vend or otherwise dispose of any

drug, medicine or pharmaceutical or medical preparation by means of any public exhibition, entertainment, performance, carnival or by vending machines, except as described in subsection 2.

2. Sale of nonprescription drugs by vending machines. The Maine Board of Pharmacy shall adopt rules to allow a pharmacy licensed as a vending machine outlet in accordance with section 13751 to sell or distribute nonprescription drugs by vending machines. The rules must include, but are not limited to, the following:

A. A requirement that only nonprescription drugs may be dispensed by a vending machine;

B. A requirement that nonprescription drugs dispensed by a vending machine must be stored in accordance with manufacturer recommendations, including those that require a stable temperature;

C. A requirement that nonprescription drugs dispensed by a vending machine must be sold only in the manufacturer's clearly labeled, original, unbroken, tamper-proof and expiration-dated packaging;

D. A requirement that nonprescription drugs dispensed by a vending machine may not be older than the manufacturer's expiration date;

E. A limitation that no more than 12 different nonprescription drugs may be dispensed by any single vending machine;

F. A requirement that a vending machine through which nonprescription drugs are dispensed must have an obvious and legible statement on the machine that identifies the owner of the machine, a toll-free telephone number at which the consumer may contact the owner of the machine, a statement advising the consumer to check the expiration date of the product before using the product and the telephone number of the board;

G. Identification of any nonprescription drugs that may not be dispensed by a vending machine; and

H. Identification of locations at which a vending machine dispensing nonprescription drugs may not be located, including the following:

(1) Private schools as defined in Title 20-A, section 1, subsection 22;

(2) Public preschool programs as defined in Title 20-A, section 1, subsection 23-A;

(3) Public schools as defined in Title 20-A, section 1, subsection 24; and

(4) Child care facilities as defined in Title 22, section 8301-A, subsection 1-A, paragraph B.

See title page for effective date.

CHAPTER 455

H.P. 277 - L.D. 351

An Act To Ensure Accuracy in the Labeling of Maine Meat and Poultry

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

Sec. 1. 22 MRSA §2157, sub-§15 is enacted to read:

15. Mislabeling poultry and meat. If it is poultry, a poultry product, meat or a meat product offered for sale, sold or distributed within the State and labeled or advertised as "Maine-raised" or by a similar designation unless the poultry or animal was raised in Maine. A determination that poultry, a poultry product, meat or a meat product is misbranded may be waived by the commissioner upon application if the commissioner finds a waiver warranted due to economic factors, including, but not limited to, the proximity of processing facilities to the in-state poultry producer or meat producer and the availability of poultry processing facilities or meat processing facilities in the State. For purposes of this subsection, "raised in Maine" means:

A. For poultry and poultry products, that the poultry was raised solely in the State from no later than the 7th day after hatching and processed solely in the State; and

B. For meat and meat products, that the animal was born, raised and processed solely in the State.

As used in this subsection, "poultry," "poultry product," "meat" and "meat product" have the same meanings as in section 2511.

See title page for effective date.

CHAPTER 456

S.P. 164 - L.D. 499

An Act To Collect Data Regarding How Payment Is Made for Collection of Signatures for Direct Initiatives and People's Veto Referendums

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

Sec. 1. 21-A MRSA §903-A, sub-§§4 and 5 are enacted to read: