

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

701, subsection 1, paragraphs A, B and C that all marijuana and marijuana product labels include the license numbers of the cultivation facility and products manufacturing facility, if applicable, involved with the cultivation and manufacture of the marijuana or marijuana product, an identity statement and health and safety warning labels. The rule must be amended, as necessary, in section 11.1 to incorporate the statutory prohibition in Title 28-B, section 701, subsection 4, paragraph D on labeling or packaging that depicts a human, animal or fruit;

54. The rule must be amended in section 11.2(C) to provide that any statement as to cannabinoid profile or the presence or absence of contaminants must require testing and label verification by a licensed testing facility;

55. The rule must be amended, as necessary, in section 13.6 and any other relevant sections to incorporate, consistent with Title 28-B, section 207, subsection 1, paragraph D, the increased annual license fee for a tier 4 cultivation facility license that has increased its maximum amount of plant canopy pursuant to Title 28-B, section 304;

56. All necessary grammatical, formatting, punctuation or other technical nonsubstantive editing changes must be made to the rule, including, but not limited to, the designation of the rule chapter as "Chapter 1: Adult Use Marijuana Program" and any necessary correction of the description of the units of the rule to ensure proper reference and application of the provisions of the rule; and

57. All other necessary changes must be made to the rule to ensure conformity and consistency throughout the rule and to ensure consistency between the rule and the provisions of this Act and between the rule and the provisions of Title 28-B.

The Department of Administrative and Financial Services, office of marijuana policy is not required to hold hearings or undertake further proceedings prior to final adoption of the rule in accordance with this section.

See title page for effective date.

**CHAPTER 492
H.P. 566 - L.D. 761**

**An Act To Ensure That
Incarcerated Individuals Are
Eligible for Medicaid during
Incarceration and Receive
Food Supplement Program
Benefits upon Release**

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

Sec. 1. 22 MRSA §3104, sub-§17 is enacted to read:

17. Preenrollment for persons released from a correctional facility. The department shall apply for and implement a waiver pursuant to 7 Code of Federal Regulations, Part 273 to promote streamlined and timely access to food supplement program benefits for a person who is being released from incarceration. The waiver must:

A. Serve a person who is incarcerated in any state or county correctional facility and who, upon the person's release, is not entering a household that is receiving food supplement program benefits;

B. Permit a person described in paragraph A to submit an application for food supplement program benefits sufficiently in advance of the person's release date to ensure the availability of benefits on that date; and

C. Establish that the release date of a person described in paragraph A is the first day the person is eligible for food supplement program benefits.

Sec. 2. 22 MRSA §3174-CC, as enacted by PL 2001, c. 659, Pt. B, §1, is repealed and the following enacted in its place:

§3174-CC. Medicaid eligibility during incarceration

1. Establish procedures. The department shall establish procedures to ensure that:

A. A person receiving federally approved Medicaid services prior to incarceration does not lose Medicaid eligibility as a result of that incarceration and receives assistance with reapplying for benefits if that person's Medicaid coverage expires or is terminated during the term of incarceration; and

B. A person who is not receiving federally approved Medicaid services prior to incarceration but meets the eligibility requirements for Medicaid receives assistance with applying for federally approved Medicaid services.

2. Presumptive eligibility. If a MaineCare provider determines that a person who is incarcerated who does not have Medicaid coverage is likely to be eligible for services under this section, the provider must be reimbursed for services provided under this section in accordance with 42 Code of Federal Regulations, Section 435.1101.

3. Memorandum of understanding. The department and the Department of Corrections shall enter into a memorandum of understanding in order to provide an incarcerated person with assistance in applying for benefits under this section and section 3104, subsection 17.

The provisions of this section apply even if Medicaid coverage is limited during the period of incarceration. Nothing in this section requires or permits the department to maintain an incarcerated person's Medicaid eligibility if the person no longer meets eligibility requirements.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

Office for Family Independence Z020

Initiative: Provides one-time appropriation and allocation for required technology changes to add a presumptive eligibility group when eligibility is determined by a provider other than a hospital.

Table with 3 columns: Fund Name, 2019-20, 2020-21. Rows include GENERAL FUND All Other, GENERAL FUND TOTAL, OTHER SPECIAL REVENUE FUNDS All Other, OTHER SPECIAL REVENUE FUNDS TOTAL.

See title page for effective date.

CHAPTER 493 H.P. 670 - L.D. 906

An Act Concerning Pavement Sealing Products

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

Sec. 1. 38 MRSA §419-E is enacted to read:

§419-E. Coal tar sealant products

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

A. "Coal tar" means a viscous substance obtained by the destructive distillation of coal and containing levels of polycyclic aromatic hydrocarbons in excess of 10,000 milligrams per kilogram. "Coal tar" includes, but is not limited to, refined coal tar, high temperature coal tar and coal tar pitch.

B. "Coal tar sealant product" means a surface-applied sealant product that contains coal tar or coal tar pitch volatiles.

C. "Polycyclic aromatic hydrocarbons" means a group of compounds that are by-products of incomplete combustion, that include several carcinogens and that are designated as hazardous substances under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 United States Code, Section 9602(a).

2. Sale of coal tar sealant products prohibited. Beginning October 1, 2023, a person may not sell at wholesale or retail a coal tar sealant product that is labeled as containing coal tar and that is designed to be applied on a driveway or parking area.

3. Application of coal tar sealant products prohibited. Beginning October 1, 2024, a person may not apply on a driveway or parking area a coal tar sealant product that is labeled as containing coal tar and that is designed to be applied on a driveway or parking area.

4. Exemptions. A person may request an exemption from the prohibitions in subsections 2 and 3 by submitting a written request to the commissioner. The request must include the reason an exemption is needed. The commissioner may exempt a person from the prohibitions in subsections 2 and 3 if the commissioner determines that the person is researching the effects of a coal tar sealant product on the environment or the person is developing an alternative technology and the use of a coal tar sealant product is required for research or development.

See title page for effective date.

CHAPTER 494 S.P. 267 - L.D. 913

An Act To Amend the Laws on Gross Sexual Assault, Unlawful Sexual Contact and Unlawful Sexual Touching To Include Counseling Professionals

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

Sec. 1. 17-A MRSA §253, sub-§2, ¶I, as repealed and replaced by PL 2011, c. 691, Pt. A, §13, is amended to read:

I. The actor is a psychiatrist, a psychologist or licensed as a social worker or counseling professional or purports to be a psychiatrist, a psychologist or licensed as a social worker or counseling professional to the other person and the other per-