

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST SPECIAL SESSION

August 26, 2019

SECOND REGULAR SESSION

January 8, 2020 to March 17, 2020

**THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION**

NON-EMERGENCY LAWS IS

NOVEMBER 25, 2019

**THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION**

NON-EMERGENCY LAWS IS

JUNE 16, 2020

**PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.**

**Augusta, Maine
2020**

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. 30-A MRSA §2531-B, sub-§11, as enacted by PL 2019, c. 288, §1, is amended to read:

11. Procedure at recount. A recount in an election ~~of a~~ for municipal ~~office~~ office must be conducted according to the procedures in this subsection unless the municipal legislative body adopts the recount procedures of Title 21-A, section 737-A and the rules adopted pursuant to that section, except that Title 21-A, section 737-A, subsections 1, 5 and 12 and the duties of the State Police do not apply.

A. The municipal clerk shall publicly explain the recount procedure at the start of the recount and shall supervise the sorting and hand counting of the votes in public with assistance from counters appointed by the clerk.

B. A candidate may provide counters to conduct the recount under the supervision of the municipal clerk. If an insufficient number of counters is provided, the clerk shall supply counters. Municipal officers and candidates on that election ballot may not serve as counters.

C. The municipal clerk and counters shall follow all applicable laws and the rules for determining voter intent adopted by the Secretary of State pursuant to Title 21-A, section 696, subsection 6.

D. If any ballots are disputed as to voter intent, the candidates may resolve the dispute by consensus in accordance with rules for determining voter intent adopted by the Secretary of State pursuant to Title 21-A, section 696, subsection 6. If consensus cannot be reached, those disputed ballots must be set aside. If the number of disputed ballots potentially affects the outcome of the recount, the municipal clerk shall forward the disputed ballots to the clerk of the nearest Superior Court in the county in which the election was held.

E. Upon written request, the municipal clerk shall make the incoming voting list and absentee ballot materials, along with all records required by law to be kept in connection with the election, available for inspection, unless those materials have been requested as part of a state recount.

F. After the recount, the municipal clerk shall re-seal the package of ballots and incoming voting list and shall note on the package the fact that the recount was held and the date of the recount.

G. In order to withdraw from a recount, a candidate must notify the municipal clerk of the intent to withdraw and the reason for withdrawal. The notice must be signed by the candidate, notarized and delivered to the municipal clerk prior to or during the scheduled recount. In the event of a withdrawal, the final election day tabulation is considered the final result.

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

Effective February 14, 2020.

CHAPTER 559

H.P. 1350 - L.D. 1884

**An Act To Amend the Laws
Governing Dual Liquor
Licenses**

Emergency preamble. **Whereas**, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, current law hinders the operation of businesses with dual liquor licenses, which authorize retailers to sell wine for consumption both on and off the licensed premises; and

Whereas, this legislation relaxes the restrictions imposed on businesses with dual liquor licenses to bring those restrictions in line with the restrictions imposed on other licensed liquor retailers; and

Whereas, this legislation must take effect before the expiration of the 90-day period in order for it to be in effect before commencement of the summer tourist season; 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. 28-A MRSA §1208, sub-§2, ¶B, as reallocated by PL 2009, c. 510, §7, is amended to read:

B. The licensee shall ensure that at least ~~2 employ-~~ one employee at least 21 years of age ~~are~~ is present at all times when wine is being consumed on the premises ~~with at least one whose primary responsibility is sales of wine and other items sold to be consumed off the premises;~~

Sec. 2. 28-A MRSA §1208, sub-§2, ¶C, as reallocated by PL 2009, c. 510, §7, is amended to read:

C. Wine may be served only ~~to be consumed on the premises when accompanied by a full meal if a full meal is available for purchase and consumption on the premises.~~ For the purposes of this paragraph, "full meal" means a diversified selection of food that cannot ordinarily be consumed without the use of tableware and cannot be conveniently consumed while standing or walking; and

Sec. 3. 28-A MRSA §1208, sub-§2, ¶D, as reallocated by PL 2009, c. 510, §7, is amended to read:

D. Patrons of the establishment may not consume any alcoholic beverage on the premises unless it is served in accordance with this section by the licensee or an employee of the licensee; ~~and.~~

Sec. 4. 28-A MRSA §1208, sub-§2, ¶E, as reallocated by PL 2009, c. 510, §7, is repealed.

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

Effective February 18, 2020.

CHAPTER 560

S.P. 674 - L.D. 1972

An Act To Increase Access to and Reduce the Cost of Epinephrine Autoinjectors by Amending the Definition of "Epinephrine Autoinjector"

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 Act expands the definition of "epinephrine autoinjector" to include devices approved by the federal Food and Drug Administration that deliver a specific dose of epinephrine by means other than automatic injection; and

Whereas, this Act provides more flexibility for entities, including, but not limited to, recreation camps, colleges, universities, day care facilities, youth sports leagues, amusement parks, restaurants and sports arenas, that purchase epinephrine for emergency purposes to consider lower-cost alternatives; and

Whereas, this Act, if it becomes effective prior to the expiration of the 90-day period, could provide financial relief to youth camps, recreational camps, municipal recreation programs and amusement parks before the upcoming summer season; 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. 20-A MRSA §254, sub-§5, ¶C, as enacted by PL 2003, c. 531, §1, is amended to read:

C. A public school or a private school approved pursuant to section 2902 must have a written local policy authorizing students to possess and self-administer emergency medication from an asthma inhaler or an epinephrine ~~pen~~ autoinjector as defined in section 6305, subsection 1, paragraph C. The written local policy must include the following requirements.

(1) A student who self-administers an asthma inhaler or an epinephrine ~~pen~~ autoinjector must have the prior written approval of the student's primary health care provider and, if the student is a minor, the prior written approval of the student's parent or guardian.

(2) The student's parent or guardian must submit written verification to the school from the student's primary health care provider confirming that the student has the knowledge and the skills to safely possess and use an asthma inhaler or an epinephrine ~~pen~~ autoinjector in school.

(3) The school nurse shall evaluate the student's technique to ensure proper and effective use of an asthma inhaler or an epinephrine ~~pen~~ autoinjector in school.

Sec. 2. 20-A MRSA §6305, sub-§1, ¶C, as enacted by PL 2013, c. 526, §1, is amended to read:

C. "Epinephrine autoinjector" means a single-use device that automatically injects used for the automatic injection of a premeasured dose of epinephrine into a human body or another single-use epinephrine delivery system approved by the federal Food and Drug Administration for public use.

Sec. 3. 22 MRSA §2150-F, sub-§3, as enacted by PL 2015, c. 231, §1, is amended to read:

3. Epinephrine autoinjector. "Epinephrine autoinjector" means a single-use device used for the automatic injection of a premeasured dose of epinephrine into a human body or another single-use epinephrine delivery system approved by the federal Food and Drug Administration for public use.

Sec. 4. 22 MRSA §2496, sub-§2, as amended by PL 2009, c. 211, Pt. A, §9, is further amended to read:

2. Youth camps; emergency medication. A youth camp must have a written policy authorizing