

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND THIRTIETH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 2020 to March 30, 2021**

**FIRST SPECIAL SESSION**  
**April 28, 2021 to July 19, 2021**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2021**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 18, 2021**

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

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**Augusta, Maine**  
**2021**

health of Maine distilleries, requiring immediate action to improve their economic viability; 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 §1355-A, sub-§5, ¶F-1** is enacted to read:

F-1. A distillery or small distillery may sell to the public for on-premises consumption cocktails containing samples of spirits produced by the distillery or small distillery under the conditions specified in this paragraph.

(1) A cocktail may be sold only at the manufacturing facility where the spirits are produced or at an additional location licensed under paragraph B, subparagraph (3).

(2) The distillery or small distillery may include wine or spirits not manufactured by the distillery or small distillery as an ingredient in the cocktail only if the distillery or small distillery purchased the wine or spirits from an agency liquor store licensed as a reselling agent.

(3) A cocktail may not contain more than 4 1/2 ounces of spirits.

This paragraph is repealed September 10, 2022.

**Sec. 2. 28-A MRSA §1355-A, sub-§5, ¶H**, as amended by PL 2019, c. 404, §27, is further amended to read:

H. Notwithstanding paragraph D, a holder of a small distillery license that sells its products directly to consumers for on-premises consumption under paragraph E or F-1 or under subsection 2, paragraph B, E or F may pay the bureau the difference between the distillery's price charged to the bureau and the discounted retail price charged by the bureau under section 606, subsection 4-B. A small distillery is not required to transport spirits that will be sold for on-premises consumption as described in this paragraph to a warehouse operated by the bureau or by a wholesaler contracted by the bureau under section 90. A holder of a small distillery license shall record the quantity of spirits sold for on-premises consumption that were not transported to a warehouse as described in this paragraph and submit monthly reports of this information, along with the full amount of state liquor tax due as prescribed by chapter 65, to the bureau in a manner prescribed by the bureau.

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

Effective June 8, 2021.

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**CHAPTER 92**

**H.P. 595 - L.D. 790**

**An Act Clarifying Patient Consent for Certain Medical Examinations**

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

**Whereas**, legislation to require patient consent, in writing and orally, for certain medical examinations was enacted as emergency legislation on March 17, 2020; and

**Whereas**, this legislation clarifies that written informed consent is not required for those examinations performed on a conscious patient if oral consent is provided; and

**Whereas**, it is important for the clarification in this legislation to take effect as soon as possible; 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. 24 MRSA §2905-B**, as enacted by PL 2019, c. 602, §1, is amended to read:

**§2905-B. Informed consent for pelvic, rectal or prostate examination ~~on an anesthetized or unconscious patient~~**

A health care practitioner may not perform a pelvic, rectal or prostate examination or supervise a pelvic, rectal or prostate examination performed by an individual practicing under the supervision of the health care practitioner on a patient without first obtaining the patient's specific informed consent, orally and in writing, to that pelvic, rectal or prostate examination, unless:

**1. Unconscious patient; diagnostic purposes and medically necessary.** In the case of an unconscious patient, the examination is required for diagnostic purposes and is medically necessary; ~~or~~

**2. Examination on unconscious alleged victim of sexual assault.** The health care practitioner is authorized to perform the examination pursuant to section 2986, subsection 5; ~~or~~

**3. Conscious patient.** The patient is conscious, in which case the health care practitioner shall obtain the patient's specific informed consent, orally, to that pelvic, rectal or prostate examination.

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

Effective June 8, 2021.

**CHAPTER 93**

**H.P. 884 - L.D. 1209**

**An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2021-22**

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

**Whereas,** prompt determination and certification of the municipal cost components in the Unorganized Territory Tax District are necessary to the establishment of a mill rate and the levy of the Unorganized Territory Educational and Services Tax; 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. Municipal cost components for services rendered.** In accordance with the Maine Revised Statutes, Title 36, chapter 115, the Legislature determines that the net municipal cost component for services and reimbursements to be rendered in fiscal year 2021-22 is as follows:

Fiscal Administration - Office of the State Auditor	\$268,965
Education	\$12,997,237
Forest Fire Protection	\$150,000
Human Services - General Assistance	\$65,000
Property Tax Assessment	\$1,226,503
Maine Land Use Planning Commission	\$608,825
<b>TOTAL STATE AGENCIES</b>	<b>\$15,316,530</b>

County Reimbursements for Services

Aroostook	\$1,759,291
Franklin	\$1,177,316
Hancock	\$208,994
Kennebec	\$9,125
Lincoln	\$22,249
Oxford	\$1,417,500
Penobscot	\$1,660,050
Piscataquis	\$1,536,881
Somerset	\$2,146,576
Washington	\$1,235,710

**TOTAL COUNTY SERVICES** \$11,173,692

COUNTY TAX INCREMENT FINANCING DISTRUBUTIONS FROM FUND

Tax Increment Financing Payments \$4,273,092

**TOTAL REQUIREMENTS** \$30,763,314

COMPUTATION OF ASSESSMENT

Requirements \$30,763,314

Less Revenue Deductions:

General Revenue	
Municipal Revenue Sharing	\$110,000
Miscellaneous Revenue	\$10,000
Use of Unassigned Fund Balance	\$1,750,401

**TOTAL GENERAL REVENUE DEDUCTIONS** \$1,870,401

Education Revenue	
Land Reserved Trust Interest	\$90,000
Tuition and School Transportation Charges	\$130,000
Special - Teacher Retirement	\$240,000
Funding from State	

**TOTAL EDUCATION REVENUE DEDUCTIONS** \$460,000

**TOTAL REVENUE DEDUCTIONS** \$2,330,401

**TAX ASSESSMENT BEFORE COUNTY TAXES AND OVERLAY (Title 36, §1602)** \$28,432,913

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

Effective June 8, 2021.

**CHAPTER 94**

**S.P. 15 - L.D. 8**

**An Act To Support Collection and Proper Disposal of Unwanted Drugs**

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