

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.

Augusta, Maine
2021

Sec. 16. 22 MRSA §2430-G, sub-§1, as amended by PL 2019, c. 331, §32, is further amended by amending the blocked paragraph to read:

The department may adopt rules to implement this subsection. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 17. Rules governing medical use of marijuana. The rules governing the medical use of marijuana are those rules that were in effect as of February 28, 2021. Pursuant to the authority designated in this legislation, rules governing the medical use of marijuana beginning July 1, 2021 are major substantive rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A. Before provisionally adopting new rules and submitting the rules to the Legislature for review pursuant to Title 5, section 8072, including but not limited to rules necessary for the implementation of a statewide electronic portal under Title 22, section 2430-G, subsection 1, paragraph B, the Department of Administrative and Financial Services shall:

1. Develop a process to consult with caregivers, registered caregivers, qualifying patients and medical providers with significant knowledge and experience certifying patients under the Maine Medical Use of Marijuana Act, in accordance with Title 22, section 2422-A, subsection 2;
2. Develop a process to use when hiring consultants to advise on any new rules or proposed changes to existing rules governing the medical use of marijuana, in accordance with Title 22, section 2422-A, subsection 2; and
3. Using existing resources, conduct a study evaluating the economic effects that any new rules or proposed changes to existing rules may have, including, but not limited to, the effects of implementing a statewide electronic portal on caregiver businesses of all sizes and how such rules could affect the access of patients to marijuana for medical use.

The Department of Administrative and Financial Services shall submit a report including the processes developed under subsections 1 and 2 and the findings under subsection 3 to the joint standing committee of the Legislature having jurisdiction over medical use of marijuana matters no later than January 15, 2022. The joint standing committee of the Legislature having jurisdiction over medical use of marijuana matters may introduce legislation for presentation to the Second Regular Session of the 130th Legislature based on the information provided in the report.

Sec. 18. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Medical Use of Marijuana Fund Z265

Initiative: Provides allocations for 8 Field Investigator positions and 2 Field Investigator Supervisor positions to handle increased inspections for providers to obtain compliance within the program.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
POSITIONS - LEGISLATIVE COUNT	10.000	10.000
Personal Services	\$852,486	\$890,292
All Other	\$194,362	\$194,935
OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,046,848	\$1,085,227

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

Effective July 1, 2021.

CHAPTER 388

H.P. 564 - L.D. 759

An Act To Amend the Child Endangerment Laws To Include Certain Unauthorized Access to a Loaded Firearm

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

Sec. 1. 17-A MRSA §554, sub-§1, ¶B-3, as amended by PL 2015, c. 358, §3, is further amended to read:

B-3. Being the parent, foster parent, guardian or other person having the care and custody of a child, knowingly deprives the child of necessary health care, with a result that the child is placed in danger of serious harm. Violation of this paragraph is a Class D crime; ~~or~~

Sec. 2. 17-A MRSA §554, sub-§1, ¶B-4 is enacted to read:

B-4. Acting with criminal negligence stores or leaves on premises that are under the person's control a loaded firearm in a manner that allows a child under 16 years of age to gain access to the loaded firearm without the permission of the child's parent, foster parent or guardian and the child in fact gains access to the loaded firearm and:

- (1) Uses the loaded firearm in a reckless or threatening manner;
- (2) Uses the loaded firearm during the commission of a crime; or

(3) Discharges the loaded firearm.

Violation of this paragraph is a Class D crime; or

Sec. 3. 17-A MRSA §554, sub-§4 is enacted to read:

4. It is an affirmative defense to prosecution under subsection 1, paragraph B-4 that:

A. The loaded firearm is:

(1) Stored in a locked box, locked gun safe or other secure, locked space;

(2) Stored or left in a location that a reasonable person would believe to be secure; or

(3) Secured with a trigger lock or similar device that prevents the firearm from discharging;

B. The loaded firearm is carried on the person or within such close proximity to the person that the person can readily retrieve and use the firearm as if the firearm were carried on the person;

C. A child who in fact gains access to the loaded firearm gains access in order to defend the child or a 3rd person under the circumstances enumerated in section 108, subsection 2, paragraph A or B;

D. The person has no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premises where the person stores or leaves the loaded firearm;

E. A child in fact gains access to the loaded firearm as the result of a criminal trespass by any person on the premises where the firearm is stored or left; or

F. A child in fact gains access to the loaded firearm as the result of a theft of the firearm by any person from the premises where the firearm is stored or left.

See title page for effective date.

CHAPTER 389

H.P. 636 - L.D. 868

An Act To Provide Consistency Regarding Persons Authorized To Conduct Examinations for Emergency Involuntary Commitment and Post-admission Examinations

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

Sec. 1. 34-B MRSA §3863, sub-§7, as amended by PL 2009, c. 651, §18, is further amended to read:

7. Post-admission examination. Every patient admitted to a psychiatric hospital under this section must be examined as soon as practicable after the patient's admission. If findings required for admission under subsection 2 are not certified in a 2nd opinion by a staff ~~physician or licensed clinical psychologist~~ medical practitioner within 24 hours after admission, the person must be immediately discharged.

Sec. 2. 34-B MRSA §3863, sub-§7-A, as enacted by PL 2015, c. 309, §5, is amended to read:

7-A. Post-admission discharge. If it is necessary to discharge a person because findings required for admission under subsection 2 are not certified in a 2nd opinion by a staff ~~physician or licensed clinical psychologist~~ medical practitioner after examination in accordance with subsection 7, the staff ~~physician or licensed clinical psychologist~~ medical practitioner shall record the discharge on the written application, which must contain a statement that the findings required for the person's admission specified under subsection 2 were not met.

Sec. 3. 34-B MRSA §3864, sub-§1, ¶C, as amended by PL 2009, c. 651, §20, is further amended to read:

C. The certificate of the ~~physician or psychologist~~ medical practitioner under section 3863, subsection 7;

See title page for effective date.

CHAPTER 390

H.P. 692 - L.D. 936

An Act To Amend State Laws Relating to Net Energy Billing and the Procurement of Distributed Generation

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

Sec. 1. 35-A MRSA §3209-A, sub-§7 is enacted to read:

7. Applicability. A distributed generation resource with a nameplate capacity of at least 2 megawatts and not more than 5 megawatts may be used for net energy billing under this section only if the requirements of paragraph A, B or C are met and all the requirements of paragraphs D and E are met.

A. In order for a distributed generation resource to be used for net energy billing, one of the following must have been met on or before December 31, 2020:

(1) There is a signed interconnection agreement between the entity proposing the development of the distributed generation resource