

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

SECOND SPECIAL SESSION
September 29, 2021

SECOND REGULAR SESSION
January 5, 2022 to May 9, 2022

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 29, 2021

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 8, 2022

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

Augusta, Maine
2022

(2) Obtains professional representation, including representation by an attorney, for contracts or other legal matters relating to use of the student athlete's name, image or likeness.

For purposes of this paragraph, "full scholarship" means a scholarship that covers the full cost of attendance at that college or university, including but not limited to tuition, room and board; or

C. Prescribe a team contract for an intercollegiate athletic program that prohibits or otherwise prevents a student athlete from using the student athlete's name, image or likeness for a commercial purpose when the student athlete is not engaged in official team activities.

For the purposes of this subsection, a college or university determines what behavior constitutes official team activities at that college or university.

2. Construction. This section may not be construed to limit a college or university from adopting or enforcing a policy, requirement, standard or limitation that establishes conditions by which a student athlete may monetize the student athlete's name, image or likeness, including a policy, requirement, standard or limitation that prohibits a student athlete's use of a college or university trademark, logo or facility or prohibits a student athlete's use of the student athlete's name, image or likeness in a manner that is inconsistent with a college or university code of conduct or other college or university policy.

§12973. Autographs

A student athlete may earn compensation from selling the student athlete's autograph in a manner that does not otherwise conflict with a provision of this chapter.

§12974. University participation in intercollegiate athletics

An athletic association, conference or other group or organization with authority over intercollegiate athletics may not prevent in this State a college or university from participating in intercollegiate athletics as a result of the compensation of a student athlete for the use of the student's athlete's name, image or likeness.

See title page for effective date.

CHAPTER 545

H.P. 1415 - L.D. 1909

An Act To Amend Syringe Service Programs

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

Sec. 1. 22 MRSA §1341, sub-§1, ¶A, as enacted by PL 2007, c. 346, Pt. A, §1, is amended to read:

A. The Maine Center for Disease Control and Prevention may ~~not~~ limit the number of hypodermic apparatuses provided by the certified hypodermic apparatus exchange programs to participants.

See title page for effective date.

CHAPTER 546

H.P. 1420 - L.D. 1914

An Act To Allow Wine Retailers with 2 or More Licensed Facilities To Freely Transfer Wine between Approved Facilities

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

Sec. 1. 28-A MRSA §1201, sub-§3-A, as amended by PL 2013, c. 476, Pt. A, §26, is further amended to read:

3-A. Sale or transfer of malt liquor or wine for off-premises consumption to retailer prohibited. A person licensed under this section, or an agent or employee of the person, may not knowingly sell or transfer malt liquor or wine to another retailer ~~licensed under this section~~ for resale except as provided in section 606 or 1201-B.

Sec. 2. 28-A MRSA §1201-B is enacted to read:

§1201-B. Transfer of wine between retail locations

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

A. "Approved retailer" means a retailer licensed to sell wine for off-premises consumption that has received approval to sell or transfer wine to a commonly owned retail licensee under subsection 3.

B. "Commonly owned retail licensee" means, with respect to a retailer licensed to sell wine for off-premises consumption, another retailer licensed to sell wine for off-premises consumption if the same person or persons hold a majority ownership interest in both retailers.

2. Authority to transfer wine between retail locations. Notwithstanding section 1201, subsection 3-A and any other provision of this Title to the contrary, an approved retailer may sell or transfer wine by the case or by the bottle to a commonly owned retail licensee under the following conditions:

A. The approved retailer licensed and any commonly owned retail licensee to which wine is transferred or sold must be located within the territory

that has been allocated under section 1401, subsection 8 to a single wholesale licensee for the purposes of making wholesale sales of the specific wine product being sold or transferred;

B. The approved retailer and any commonly owned retail licensee to which wine is transferred or sold must share an electronic inventory tracking system capable of identifying which retailer has possession of the case or bottle of wine at all times; and

C. The approved retailer shall if necessary designate an area of the licensed premises to which customers do not have access of no more than 750 square feet for the storage of wine and may not store wine in any other area or facility.

3. Application; approval. A retailer licensed to sell wine for off-premises consumption shall seek approval from the bureau, on a form designated by the bureau, in advance of making an initial sale or transfer of wine to a commonly owned retail licensee under subsection 2. The bureau may not approve an application under this subsection unless the retailer provides sufficient information for the bureau to determine:

A. That each sale or transfer of wine from the retailer to a commonly owned licensee will satisfy the requirements of subsection 2, paragraph A;

B. That the retailer's electronic inventory tracking system satisfies the requirements of subsection 2, paragraph B;

C. That the retailer's storage of wine satisfies the requirements of subsection 2, paragraph C; and

D. That the retailer has a safe and secure method for transferring wine to a commonly owned retail licensee.

The bureau may not approve an application under this subsection from a retailer licensed to sell wine for off-premises consumption if the bureau has already approved an application under this subsection from one of the retailer's commonly owned retail licensees.

4. Modification. An approved retailer shall submit a modified application, on a form designated by the bureau, and must receive approval from the bureau prior to:

A. Making an initial sale or transfer of wine products not included in the initial application submitted under subsection 3 or a previously approved modified application under this subsection; or

B. Making an initial sale or transfer of wine to a commonly owned licensee not identified in the initial application submitted under subsection 3 or a previously approved modified application under this subsection.

The bureau may not approve an application under this subsection unless the bureau determines that the approved retailer will continue to meet the requirements of subsection 3 if the modification is approved.

5. Penalty. In addition to any penalty that may be imposed under chapter 33, the bureau may prohibit a retailer licensed to sell wine for off-premises consumption that violates any provision of this section or of any rule adopted by the bureau to implement this section from engaging in the activities authorized by subsection 2.

See title page for effective date.

CHAPTER 547

H.P. 1427 - L.D. 1920

An Act To Enact the Interstate Counseling Compact To Address Inequities in Access to Clinical Counseling Services and Increase Maine's Provider Workforce

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

Sec. 1. 32 MRSA c. 147 is enacted to read:

CHAPTER 147

INTERSTATE COUNSELING COMPACT

§18551. Short title

This chapter may be known and cited as "the Interstate Counseling Compact," which is referred to in this chapter as "the compact."

§18552. Purpose

The purpose of this compact is to facilitate interstate practice of licensed professional counselors with the goal of improving public access to professional counseling services. The practice of professional counseling occurs in the state where the client is located at the time of the counseling services. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

This compact is designed to achieve the following objectives:

1. License recognition. Increase public access to professional counseling services by providing for the mutual recognition of other member state licenses;

2. State powers. Enhance the states' ability to protect the public's health and safety;

3. Multistate practice. Encourage the cooperation of member states in regulating multistate practice for licensed professional counselors;