

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

that subsection or subsection 11 by failing to request an identification number until the Secretary of State has adopted rules necessary to implement Title 29-A, section 1113, subsection 14.

This section is repealed January 1, 2023.

Sec. 8. Appropriations and allocations. The following appropriations and allocations are made.

SECRETARY OF STATE, DEPARTMENT OF Administration - Motor Vehicles 0077

Initiative: Provides funding for one Senior Motor Vehicle Detective position, 3 Motor Vehicle Detective positions and one Customer Representative Associate II position and related costs to support the catalytic converter project.

HIGHWAY FUND	2021-22	2022-23
POSITIONS - LEGISLATIVE COUNT	0.000	5.000
Personal Services	\$0	\$504,029
All Other	\$0	\$263,579
HIGHWAY FUND TOTAL	\$0	\$767,608

Administration - Motor Vehicles 0077

Initiative: Establishes the Motor Vehicle Services Fund to accept funds from the sale of forfeited catalytic converters.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
All Other	\$0	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$500

SECRETARY OF STATE, DEPARTMENT OF DEPARTMENT TOTALS

	2021-22	2022-23
HIGHWAY FUND	\$0	\$767,608
OTHER SPECIAL REVENUE FUNDS	\$0	\$500
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$768,108

See title page for effective date.

**CHAPTER 661
H.P. 1277 - L.D. 1722**

An Act To Ensure Access to All Paths to Recovery for Persons Affected by Opioids Using Money Obtained through Litigation against Opioid Manufacturers

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

Whereas, the substance use crisis, driven significantly by opioids, has killed thousands of Maine residents, including 505 individuals who died of drug overdoses in 2020 and over 600 in 2021, and devastated families and communities across the State; and

Whereas, addressing substance use disorder, overdoses and drug-related harms will require dedicating resources and directing opioid litigation proceeds to establish, sustain and expand substance use disorder abatement infrastructure, programs, services, supports and resources for prevention, treatment, recovery and harm reduction in Maine and represents a critically important step toward the work to be done; and

Whereas, the State anticipates the imminent receipt of substantial payments based on lawsuits made against manufacturers and distributors of prescription opioid analgesics, pharmacies that dispensed prescription opioid analgesics and related parties for their alleged roles in contributing to the high rates of substance use disorder, drug overdoses and other drug-related harms; and

Whereas, experience with the 1990s tobacco settlements suggests that, without firm commitment and planning, the opioid litigation proceeds may not be directed toward preventing and addressing substance use disorder, overdoses and drug-related harms; and

Whereas, funds derived from settlement of or damages granted in these lawsuits are anticipated to begin being distributed this year, and the Maine Recovery Council should be formed and resources provided as soon as possible so that the money received by the State as a result of lawsuits related to manufacturers and distributors of prescription opioid analgesics, pharmacies that dispensed prescription opioid analgesics and related parties is able to immediately be put to use to help remediate and abate the substance use crisis; 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. 5 MRSA §203-A, as enacted by PL 1991, c. 532, §1 and affected by §2, is amended to read:

§203-A. Accounts established due to court orders or other settlements

Unless specifically ordered by the court to do otherwise or for revenue or money received under section 203-B, the Attorney General shall work with the Treasurer of State to deposit any revenue or money received as a result of any court order, court settlement or other agreement into an other special revenue account of the State and all interest must be credited to the General Fund. When, pursuant to a court order or settlement, the Attorney General receives money that is specifically designated for antitrust enforcement or for enforcement of the Maine Unfair Trade Practices Act, the Attorney General is authorized to expend such funds for expert witness fees, copying of documents, transcripts and any other purpose in accordance with the court order. Any interest on such funds, unless otherwise ordered by the court, must be credited to the General Fund. The Attorney General shall provide an accounting of such funds to the Legislature in a form and as determined by the Office of Fiscal and Program Review.

Sec. 2. 5 MRSA §203-B is enacted to read:

§203-B. Funds received pursuant to court orders or other settlements of opioid crisis litigation

Notwithstanding section 203-A and unless specifically ordered by the court to do otherwise, the Attorney General may work with the Treasurer of State to deposit identified revenue or money received as a result of any court order or other agreement resulting from litigation against, or any court settlement with, an opioid manufacturer, an opioid research association or any other person in the opioid industry relating to claims made by or prosecuted by the State into the Maine Recovery Fund described by the Maine State Subdivision Memorandum of Understanding and Agreement Regarding Use of Settlement Funds, dated and signed on January 26, 2022, and including Schedule A, Core Strategies and Schedule B, Approved Uses for spending on approved uses as directed by the Maine Recovery Council as established in section 12004-I, subsection 93.

Sec. 3. 5 MRSA §203-C is enacted to read:

§203-C. Maine Recovery Council

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

A. "Approved uses" means the substance use disorder abatement purposes defined as "Approved Uses" in the memorandum of understanding.

B. "Maine Recovery Fund" means the fund described by the memorandum of understanding.

C. "Memorandum of understanding" means the Maine State Subdivision Memorandum of Understanding and Agreement Regarding Use of Settlement Funds, dated and signed on January 26, 2022, including Schedule A, Core Strategies and Schedule B, Approved Uses.

2. Maine Recovery Council established. The Maine Recovery Council, as established in section 12004-I, subsection 93 and referred to in this section as "the council," shall direct the disbursement of funds within the Maine Recovery Fund for approved uses.

3. Membership. The council is composed of the 11 members identified by the memorandum of understanding and of 4 additional voting members as follows:

A. One member who is a medical professional with direct experience providing medication-assisted treatment, appointed by the President of the Senate;

B. One member representing reentry services for incarcerated and formerly incarcerated individuals and their families, appointed by the President of the Senate;

C. One member representing a nonprofit community-based provider of mental health treatment, appointed by the Speaker of the House; and

D. One member representing the harm reduction community, appointed by the Speaker of the House.

In making these appointments, the President of the Senate and the Speaker of the House shall endeavor to select individuals that reflect the racial, ethnic, gender and indigenous diversity of the State.

4. Vacancy. In the event of a vacancy in the council membership, the vacancy must be filled in the manner of the original appointment for the remainder of the term. For the purposes of reappointment, any partial term filled after a vacancy must be considered a full term.

5. Report. The Attorney General shall, by February 1st of each year, submit a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters describing the activities of the council and the status of the Maine Recovery Fund and listing information on disbursements from the fund and information related to the outcomes of funded activities.

Sec. 4. 5 MRSA §12004-I, sub-§93 is enacted to read:

93.

Attorney General Maine Recovery Council Expenses Only 5 MRSA §203-C

Sec. 5. Appropriations and allocations. The following appropriations and allocations are made.

ATTORNEY GENERAL, DEPARTMENT OF THE

Maine Recovery Fund N960

Initiative: Provides a baseline allocation for disbursement of funds deposited from recently settled opioid litigation.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
All Other	\$500	\$500
OTHER SPECIAL REVENUE	\$500	\$500
FUNDS TOTAL		

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

Effective April 25, 2022.

CHAPTER 662

H.P. 1435 - L.D. 1928

An Act To Update and Clarify the Maine Medical Use of Marijuana Act

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

Whereas, Public Law 2021, chapter 387 requires the Department of Administrative and Financial Services to adopt major substantive rules relating to the Maine Medical Use of Marijuana Act; and

Whereas, any rules adopted by the department will have significant effects on Maine's medical marijuana patients and thousands of registered medical marijuana caregivers and associated businesses across the State; and

Whereas, this warrants meaningful legislative oversight and approval; and

Whereas, the department has authority to adopt rules prior to the expiration of the 90-day period; and

Whereas, the Maine Medical Use of Marijuana Act also requires amendments that cannot be delayed; 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. 22 MRSA §2422, sub-§1-G is enacted to read:

1-G. Complete application. "Complete application" means, with respect to an application for a registry identification card or a registration certificate, that:

A. The applicant has completed and submitted to the department all application forms required and provided by the department;

B. The applicant has submitted to the department documentation sufficient to satisfy all applicable residency requirements of this chapter, which may include, but is not limited to, a valid photographic identification card issued by the State;

C. If required by the department pursuant to this chapter, the applicant has submitted to a criminal history record check;

D. If applying for a registry identification card for a caregiver or a registration certificate for a dispensary, the applicant has registered with the State Tax Assessor pursuant to Title 36, section 1754-B to collect and remit the sales tax on the sale of harvested marijuana imposed under Title 36, section 1811 and has provided to the department documentation of the registration; and

E. If applying for a registration certificate for a dispensary, the applicant has submitted to the department documentation sufficient to show that the applicant has fulfilled any applicable municipal authorization requirements for the municipality in which the applicant intends to operate the dispensary.

Sec. 2. 22 MRSA §2422, sub-§3, as amended by PL 2017, c. 452, §3, is further amended to read:

3. Cultivation area. "Cultivation area" means an indoor or outdoor area used for cultivation of mature marijuana plants, immature marijuana plants or seedlings in accordance with this chapter that is enclosed and equipped with locks or other security devices that permit access only by a person authorized to have access to the area under this chapter. A cultivation area may include multiple indoor or outdoor areas, whether contiguous or noncontiguous, on the same parcel or tract of land.

Sec. 3. 22 MRSA §2422, sub-§4-T is enacted to read:

4-T. Immature plant canopy. "Immature plant canopy" means the total surface area within a cultivation area where immature marijuana plants are growing. The surface area of the immature plant canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all of the area within the boundaries. If the surface area of the immature plant canopy consists of noncontiguous areas, each component area must be separated by identifiable