

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

E. Notice of the proceeding must be provided in accordance with section 406. When the public may attend by remote methods pursuant to paragraphs C and D, the notice must include the means by which members of the public may access the proceeding using remote methods. The notice must also identify a location for members of the public to attend in person. The body may ~~not determine that limit~~ public attendance at a proceeding ~~will be limited~~ solely to remote methods ~~except under the conditions in paragraph B, subparagraph (1) if there is an emergency or urgent situation that requires the body to meet only by remote methods;~~

Sec. 3. 1 MRSA §403-B, sub-§2, as enacted by PL 2021, c. 290, §1, is amended by enacting at the end a new first blocked paragraph to read:

The policy adopted pursuant to this subsection applies to a board or committee that is within the jurisdiction of the public body, unless the board or committee adopts its own policy under this subsection.

See title page for effective date.

CHAPTER 667

H.P. 1360 - L.D. 1827

An Act To Permit Curbside Pickup and Limited Delivery of Adult Use Marijuana

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

Sec. 1. 28-B MRSA §504, sub-§2, ¶C, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

C. Sell adult use marijuana, adult use marijuana products or marijuana plants using:

- (1) An automated dispensing or vending machine;
- (2) A drive-through sales window, except as provided by subsection 10;
- (3) An Internet-based sales platform; or
- (4) A delivery service, except as provided by subsection 9; or

Sec. 2. 28-B MRSA §504, sub-§4, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

4. Verification of purchaser's age. A person must be 21 years of age or older to make a purchase ~~in~~ from a marijuana store. A marijuana store may not sell any item to a person under 21 years of age.

A. Prior to initiating a sale in a marijuana store, an employee of the marijuana store licensee shall verify that the purchaser has a valid government-issued photographic identification card, or other

acceptable photographic identification, demonstrating that the purchaser is 21 years of age or older.

A-1. Prior to concluding a sale by delivery under subsection 9 or curbside pickup under subsection 10, an employee of the marijuana store licensee shall verify that the purchaser has a valid government-issued photographic identification card, or other acceptable photographic identification, demonstrating that the purchaser is 21 years of age or older.

B. The department shall by rule determine the forms of photographic identification that a marijuana store licensee may accept when verifying a purchaser's age.

Sec. 3. 28-B MRSA §504, sub-§9 is enacted to read:

9. Limited delivery service. A marijuana store may operate a limited delivery service for the delivery of immature marijuana plants, seedlings, adult use marijuana and adult use marijuana products in accordance with the requirements of this subsection. A marijuana store may not deliver adult use marijuana or an immature marijuana plant, seedling or adult use marijuana product to a person under 21 years of age.

A. A marijuana store operating a limited delivery service shall ensure that marijuana store employees engaging in delivery have received training, prescribed by the department by rule, on how to properly verify the age of a person making a purchase for delivery and how to ensure that no deliveries are made to a person under 21 years of age.

B. A marijuana store operating a limited delivery service may deliver only to a residential dwelling and may not deliver to any residential dwelling located within a safe zone designated by a municipality under Title 30-A, section 3253. A marijuana store operating a limited delivery service may deliver to a residential dwelling in any municipality in the State regardless of whether the municipality has approved the operation of marijuana stores.

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

Sec. 4. 28-B MRSA §504, sub-§10 is enacted to read:

10. Curbside pickup. A marijuana store may allow curbside pickup of immature marijuana plants, seedlings, adult use marijuana and adult use marijuana products at a designated location outside of the marijuana store in accordance with the requirements of this subsection and any additional requirements imposed by the department by rule.

A. A marijuana store that allows curbside pickup of immature marijuana plants, seedlings, adult use marijuana or adult use marijuana products shall designate a curbside pickup location outside of the marijuana store and near the entrance to the marijuana store and mark the location in a manner designated by the department by rule.

B. A marijuana store that allows curbside pickup of immature marijuana plants, seedlings, adult use marijuana or adult use marijuana products shall implement security and record-keeping requirements for all sales concluded by curbside pickup as established by the department by rule.

The department shall adopt rules to implement this subsection, including, but not limited to, rules establishing security and record-keeping requirements for sales concluded by curbside pickup. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 5. 28-B MRSA §505, as enacted by PL 2017, c. 409, Pt. A, §6, is amended by enacting at the end a new paragraph to read:

A marijuana store licensee and its employees may also transport adult use marijuana or adult use marijuana products between the licensed premises of the licensee and the location of a delivery conducted under section 504, subsection 9.

See title page for effective date.

CHAPTER 668

H.P. 1412 - L.D. 1905

**An Act To Facilitate
Communication between
Prosecutors and Unrepresented
Defendants While Protecting
the Rights of Those Defendants**

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

Sec. 1. 15 MRSA §815, as enacted by PL 2021, c. 480, §1, is amended to read:

§815. Communication between prosecutor and unrepresented defendant in criminal prosecutions

1. Requirements for communication. To ensure that all waivers of the right to counsel are made knowingly, voluntarily and intelligently, a prosecutor may not communicate with an unrepresented defendant concerning the facts, circumstances, merits or disposition of a pending criminal charge against the defendant unless:

A. The defendant has been informed by the court of the defendant's right to counsel, including court-appointed counsel if the defendant is indigent;

B. The court has provided to the defendant a statement of:

- (1) The substance of the charges against the defendant;
- (2) The defendant's right to retain counsel, to request the assignment of counsel and to be allowed a reasonable time and opportunity to consult counsel before entering a plea;
- (3) The defendant's right to remain silent and that the defendant is not required to make a statement and that any statement made by the defendant may be used against the defendant;
- (4) The maximum possible sentence and any applicable mandatory minimum sentence; and
- (5) The defendant's right to trial by jury; and

C. The defendant has executed in court a written waiver of the right to counsel in each prosecution.

2. Exception. Notwithstanding subsection 1, a prosecutor may communicate with an unrepresented defendant who has not executed a written waiver of the right to counsel to offer the defendant an opportunity to participate in an established precharge diversion program the successful completion of which results in the prosecutor not prosecuting the charge or charges against the defendant. to:

A. Offer the defendant an opportunity to participate in an established precharge diversion program, the successful completion of which would result in the prosecutor not prosecuting the charge or charges against the defendant; or

B. Notify the defendant that a pending criminal matter is being dismissed.

3. Application. This section does not apply to:

A. The obligation of the State to provide discovery or other information pursuant to court order, pursuant to rules adopted by the Supreme Judicial Court or as otherwise required by the Constitution of Maine or the United States Constitution; or

B. Notice by the prosecutor to a person that no charge is being filed.

See title page for effective date.
