

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 7, 2022 to March 30, 2023

FIRST SPECIAL SESSION
April 5, 2023 to July 26, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NONEMERGENCY LAWS IS
JUNE 29, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NONEMERGENCY LAWS IS
OCTOBER 25, 2023

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

Augusta, Maine
2023

(SEAL, if any).....

Signature.....Date.....

ACKNOWLEDGMENT

(insert acknowledgment)

(back of form)

COMMON QUESTIONS ABOUT THE USE OF THIS FORM TEMPLATE

How do I use this ~~form template~~ to revoke a Transfer on Death (TOD) deed? ~~Complete this form.~~ You may use this template to create a revocation but be aware that the registry of deeds of each Maine county has specific requirements for a document to be accepted for recording, including requirements related to the top, bottom and side margins. Have ~~it~~ the revocation acknowledged before a notary public or other individual authorized to take acknowledgments. Record the ~~form revocation~~ in the public records in the registry of deeds of each county where the property is located. The ~~form revocation~~ must be acknowledged and recorded before your death or it has no effect.

How do I find the "legal description" of the property? This information may be on the TOD deed. It may also be available in the registry of deeds for the county where the property is located. If you are not absolutely sure, consult a lawyer.

What is the proper form for the required acknowledgment of signatures on the revocation? Forms of acknowledgment may be found in Title 33, section 775 of the Maine Revised Statutes. You may also consult a notary public or a lawyer for the proper form of an acknowledgment.

How do I "record" the ~~form revocation~~? Take the completed and acknowledged ~~form revocation~~ to the registry of deeds of the county where the property is located. Follow the instructions given by the register of deeds to make the ~~form revocation~~ part of the official property records. If the property is located in more than one county, you should record the ~~form revocation~~ in each of those counties.

I am being pressured to ~~complete this form~~ revoke a TOD deed. What should I do? Do not ~~complete this form~~ revoke a TOD deed under pressure. Seek help from a trusted family member, friend, or lawyer.

I have other questions about this ~~form template~~. What should I do? This ~~form template~~ is designed to fit some but not all situations. If you have other questions, you are encouraged to consult a lawyer.

Sec. 17. Report. The Supreme Judicial Court shall submit a report to the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than January 1, 2025 summarizing the court's progress toward adopting rules governing the confidentiality of records in probate court proceedings,

specifically rules governing the confidentiality of adult guardianship, conservatorship and other protective arrangement proceedings, and identifying any potential conflicts between the adopted or proposed rules and any provisions of the Maine Uniform Probate Code. The joint standing committee of the Legislature having jurisdiction over judiciary matters may report out legislation to the 132nd Legislature in 2025 based on the report.

Sec. 18. Retroactivity. Those sections of this Act that amend the Maine Revised Statutes, Title 18-C, section 5-308, subsection 4; section 5-409, subsection 4; and section 5-511, subsection 4 apply retroactively to January 1, 2023.

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

Effective March 13, 2023.

CHAPTER 5

H.P. 14 - L.D. 10

An Act to Amend the Laws Governing Invasive Aquatic Plants

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

Sec. 1. 38 MRSA §410-N, sub-§1, ¶B, as amended by PL 2005, c. 561, §1, is further amended to read:

B. "Invasive aquatic plant" means a species identified by the department as an invasive aquatic plant or one of the following species:

- (1) All Myriophyllum species nonindigenous to the State, including but not limited to variable-leaf water-milfoil, Myriophyllum heterophyllum; Eurasian water-milfoil water-milfoil, Myriophyllum spicatum; and parrot feather, Myriophyllum aquaticum;
- (2) Variable leaf water milfoil, Myriophyllum heterophyllum;
- (3) Parrot feather, Myriophyllum aquaticum;
- (4) Water All Trapa species, including but not limited to water chestnut, Trapa natans;
- (5) Hydrilla, Hydrilla verticillata;
- (6) Fanwort All Cabomba species, including but not limited to fanwort, Cabomba caroliniana;
- (7) Curly pondweed, Potamogeton crispus;
- (8) European naiad, Najas minor;

- (9) Brazilian elodea, *Egeria densa*;
- (10) Frogbit, *Hydrocharis morsus-ranae*; ~~and~~
- (11) Yellow floating heart, *Nymphoides peltata*;
- (12) Water soldier, *Stratiotes aloides*;
- (13) Giant salvinia, *Salvinia molesta*;
- (14) Swollen bladderwort, *Utricularia inflata*;
and
- (15) Starry stonewort, *Nitellopsis obtusa*.

Sec. 2. 38 MRSA §419-C, sub-§1, ¶C, as amended by PL 2003, c. 627, §6, is further amended to read:

C. After September 1, 2000, sell or offer for sale in this State any invasive aquatic plant or any plant of the species and varieties in the genus *Myriophyllum* that is indigenous to the State; or

See title page for effective date.

CHAPTER 6

S.P. 50 - L.D. 83

An Act to Clarify State Policy Regarding Cannabis Paraphernalia in the Maine Medical Use of Cannabis Act and the Cannabis Legalization 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, in October 2022, the Department of Administrative and Financial Services, Office of Cannabis Policy notified medical use of cannabis registrants and adult use cannabis licensees that they must obtain a retail tobacco license in order to sell or give away certain items used to inhale, ingest or otherwise consume cannabis; and

Whereas, on November 16, 2022, the Attorney General issued a memorandum stating that the Office of the Attorney General would not bring action against any medical use of cannabis registrant or adult use cannabis licensee for selling or providing cannabis rolled for smoking without a retail tobacco license and urging the Legislature to clarify in statute that a retail tobacco license is not required for a medical use of cannabis registrant or adult use cannabis licensee to sell or give away certain items used to inhale, ingest or otherwise consume cannabis; and

Whereas, until statutory clarity is provided, the cannabis industry will face economic and regulatory

uncertainty and the state agencies regulating this industry will not be able to oversee the industry in an efficient or effective manner; 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-§17 is enacted to read:

17. Cannabis paraphernalia. "Cannabis paraphernalia" means equipment, products, devices and materials that are used for planting, propagating, cultivating, harvesting, processing, preparing, testing, packaging or storing cannabis for medical use or used for ingesting, inhaling or otherwise consuming cannabis for medical use. "Cannabis paraphernalia" includes, but is not limited to:

A. Kits used for planting, propagating, cultivating or harvesting a cannabis plant;

B. Isomerization devices used for adjusting the potency of a cannabis plant;

C. Testing equipment used for identifying or analyzing the potency, effectiveness or purity of a cannabis plant or harvested cannabis;

D. Scales and balances used for weighing or measuring harvested cannabis;

E. Separation gins and sifters used for removing twigs and seeds from, or in otherwise cleaning or refining, harvested cannabis;

F. Envelopes and other containers used for packaging small quantities of harvested cannabis for medical use;

G. Containers and other objects used for storing harvested cannabis;

H. Rolling papers, cigarette papers or wraps used for rolling harvested cannabis for smoking;

I. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes, with or without screens, chillums or punctured metal bowls used for smoking harvested cannabis; and

J. Electronic smoking devices used for simulating the smoking of harvested cannabis or cannabis products through the inhalation of vapor or aerosol from the device.

Sec. 2. 22 MRSA §2423-A, sub-§2, ¶P, as amended by PL 2021, c. 662, §12 and c. 669, §5, is further amended to read: