

MAINE STATE LEGISLATURE

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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

to each person to whom the financial institution provides periodic reports of fiduciary activity. The notice must include the name of the financial institution, the name of the successor fiduciary and the effective date of the substitution. The successor fiduciary has all of the rights, powers, duties and obligations of the transferring financial institution and is deemed to be named, nominated or appointed as fiduciary in any will, trust, court order or similar written document or instrument that names, nominates or appoints the transferring financial institution as fiduciary, whether executed before or after the substitution. The successor fiduciary has no obligations or liabilities under this chapter for any acts, actions, inactions or events occurring prior to the effective date of the substitution.

Sec. 7. 9-B MRSA §1231, as enacted by PL 1997, c. 398, Pt. J, §2, is amended to read:

§1231. General authority and purpose

A financial institution engaged in the business of banking that does not accept retail deposits and for which insurance of deposits by the FDIC is not required may be organized pursuant to chapter 31. Unless otherwise indicated in this chapter, an uninsured bank has all the powers, rights, duties and obligations as a financial institution under this Title. An uninsured bank is not a nondepository trust company or a merchant bank.

See title page for effective date.

CHAPTER 31

H.P. 180 - L.D. 282

An Act to Allow the Department of Health and Human Services to Authorize Standing Orders

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

Sec. 1. 22 MRSA §3173-K is enacted to read:

§3173-K. Standing orders

To promote public health and the health of MaineCare members, the department may authorize standing orders for the dispensing of vaccines as described in Title 32, section 13831 and nonprescription drugs as defined in Title 32, section 13702-A, subsection 20 that support access to preventive care and medically necessary services for Medicaid recipients as defined in section 3172, subsection 3; participants in the state-funded medical program for noncitizens under section 3174-FFF; elderly low-cost drug program enrollees as defined in section 254-D, subsection 1, paragraph B; qualified residents as defined in section 2681, subsection 2, paragraph F; and persons receiving benefits under the Cub Care program under section 3174-T.

A standing order must identify the eligible population as described in this section and may include other criteria such as age limitations or pharmacist instructions. The standing order remains in effect for one year, at which time the order may be renewed. The standing order must be signed by a physician licensed in this State employed by or contracted with the department or the office of MaineCare services within the department or by a licensed, MaineCare-enrolled prescriber and a department official.

See title page for effective date.

CHAPTER 32

H.P. 264 - L.D. 431

An Act to Amend the Law Regarding Foreign Subpoenas

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

Sec. 1. 14 MRSA §403, sub-§3, as enacted by PL 2019, c. 109, §1, is amended to read:

3. Requirements. A foreign subpoena submitted issued under subsection 2 must:

- A. Incorporate the terms used in the foreign subpoena; and
B. Contain or be accompanied by the names, addresses and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of any party not represented by counsel.

See title page for effective date.

CHAPTER 33

S.P. 240 - L.D. 569

An Act to Allow the Adjutant General to Sell the Houlton Armory

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

Sec. 1. 37-B MRSA §264, sub-§3, ¶R, as amended by PL 2019, c. 341, §12, is further amended to read:

R. The Belfast Armory, located on U.S. Route 1, Belfast, by means of a quitclaim deed as long as the purchaser agrees to indemnify and hold harmless the State from all claims, including any environmental clean-up costs that may arise in connection with the land or the buildings constituting the armory; and

Sec. 2. 37-B MRSA §264, sub-§3, ¶S, as enacted by PL 2019, c. 341, §13, is amended to read:

S. The South Portland Air National Guard Station, located on Western Avenue, South Portland, by means of a quitclaim deed as long as the purchaser agrees to indemnify and hold harmless the State from all claims, including any environmental clean-up costs that may arise in connection with the land or the buildings constituting the station; and

Sec. 3. 37-B MRSA §264, sub-§3, ¶T is enacted to read:

T. The Houlton Armory, located at 86 Pleasant Street, Houlton, by means of a quitclaim deed as long as the purchaser agrees to indemnify and hold harmless the State from all claims, including any environmental clean-up costs that may arise in connection with the land or the buildings constituting the armory.

See title page for effective date.

CHAPTER 34

S.P. 101 - L.D. 201

An Act to Make Permanent the Ability of Certain Retailers and Distilleries to Sell Liquor for Off-premises Consumption and Cocktails for On-premises Consumption

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 spread of the novel coronavirus disease referred to as COVID-19 created a public health emergency and prompted subsequent public health measures, which resulted in economic hardship and insecurity for restaurants, bars, tasting rooms, distilleries and small distilleries; and

Whereas, in response to the economic hardship facing restaurants, bars, tasting rooms, distilleries and small distilleries, the Legislature enacted Public Law 2021, chapter 3, which temporarily allowed on-premises retailers to sell liquor to customers through take-out and delivery service if the liquor was accompanied by a food order; Public Law 2021, chapter 91, which temporarily allowed distilleries or small distilleries to sell for on-premises consumption cocktails containing samples of distilleries' spirits products; and Public Law 2021, chapter 514, which extended the time in which these activities may take place; and

Whereas, the lingering effects of the public health emergency and subsequent public health measures continue to impact the economic health of Maine restaurants, bars, tasting rooms, distilleries and small distilleries; and

Whereas, with a statutory repeal date for these laws, Maine restaurants, bars, tasting rooms, distilleries and small distilleries face economic uncertainty and inhibited innovation; and

Whereas, with the busy summer season quickly approaching, there is a need to make a technical correction to a statutory cross-reference within the definition of "food order" in the requirement for providing liquor to customers through take-out and delivery service; 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. 28-A MRSA §1056, sub-§1, ¶C, as enacted by PL 2021, c. 3, §1, is amended to read:

C. "Food order" means an order of a full course meal as defined in section 2, subsection 45, paragraph R ~~1~~ 11-E or an order of a cold or hot meal including but not limited to a sandwich, salad, hamburger, cheeseburger, hot dog, pizza or other food item that customarily appears on a restaurant menu. "Food order" does not include an order consisting solely of a prepackaged snack food or foods such as popcorn, chips or pretzels.

Sec. 2. 28-A MRSA §1056, sub-§2, ¶C, as enacted by PL 2021, c. 3, §1, is amended by amending subparagraph (1) to read:

(1) If the qualified on-premises retailer is licensed under this chapter to sell wine for on-premises consumption, it may sell wine for off-premises consumption ~~only in an approved container.~~ in an original container or as an ingredient in an approved cocktail. An approved cocktail sold by a qualified on-premises retailer under this subparagraph may not contain spirits unless the qualified on-premises retailer is also licensed to sell spirits for on-premises consumption under this chapter.

Sec. 3. 28-A MRSA §1056, sub-§2, ¶C, as enacted by PL 2021, c. 3, §1, is amended by amending subparagraph (2) to read:

(2) If the qualified on-premises retailer is licensed under this chapter to sell malt liquor for on-premises consumption, it may sell malt liquor for off-premises consumption ~~only in an approved container or an original container.~~

Sec. 4. 28-A MRSA §1056, sub-§3, as amended by PL 2021, c. 514, §1, is repealed.

Sec. 5. 28-A MRSA §1355-A, sub-§5, ¶F-1, as amended by PL 2021, c. 514, §2, is further amended by repealing the first blocked paragraph.