

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

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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

cannabis products may not be consumed ~~at the location of sale at~~ on the permitted premises of the specified event.

D. A cannabis store shall ensure that all adult use cannabis and adult use cannabis products are secured when not under the direct control and supervision of the licensee cannabis store or an ~~the cannabis store's~~ employee ~~of the licensee.~~

E. A cannabis store shall record all sales conducted at the specified event using a video recording device in a manner that captures, to the extent practicable, only the individual making the purchase. The recording must be retained by the cannabis store ~~in a manner prescribed by the department by rule~~ for 45 days, and the cannabis store shall make it available for inspection at the department's request.

Sec. 12. 28-B MRSA §504-A, sub-§5, as enacted by PL 2021, c. 735, §1 and amended by c. 669, §5, is further amended to read:

5. Guidance. The department shall develop and publish on a publicly accessible website guidance documents to assist cannabis stores in applying for ~~and complying with permits a specified event permit~~ under this section and ~~lawfully engaging in the off premises sale of adult use cannabis products~~ to establish best practices for conducting sales of adult use cannabis and adult use cannabis products at a specified event.

Sec. 13. 28-B MRSA §504-A, sub-§5-A is enacted to read:

5-A. Suspension or revocation. On the department's own initiative or upon complaint and after investigation, the department, by written order, may for good cause as described in section 206, subsection 2 suspend or revoke a specified event permit issued to a cannabis store. The department shall revoke a specified event permit if:

A. Municipal approval granted in accordance with subsection 2 is revoked by the municipality; or

B. As applicable, the owner of the property where the specified event will occur revokes the property owner's written permission required under subsection 1, paragraph C.

Sec. 14. 28-B MRSA §504-A, sub-§6, as enacted by PL 2021, c. 735, §1 and amended by c. 669, §5, is repealed.

Sec. 15. 28-B MRSA §504-A, sub-§7, as enacted by PL 2021, c. 759, Pt. C, §2, is repealed.

Sec. 16. 28-B MRSA §505, as amended by PL 2021, c. 667, §5; c. 669, §5; and c. 759, Pt. C, §3, is repealed and the following enacted in its place:

§505. Transportation of adult use cannabis and adult use cannabis products

A licensee and its employees may transport adult use cannabis and adult use cannabis products between the licensed premises of the licensee and:

1. Other licensed premises. The licensed premises of any other cannabis establishment;

2. Delivery location. The location of a delivery in accordance with section 504, subsection 9; and

3. Permitted premises. The permitted premises for a specified event in accordance with section 504-A.

All transportation of adult use cannabis and adult use cannabis products must be documented by the licensee or an employee of the licensee in accordance with rules adopted by the department.

See title page for effective date.

CHAPTER 409

H.P. 932 - L.D. 1436

An Act to Provide Remedies for Survivors of Commercial Sexual Exploitation

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

Sec. 1. 15 MRSA §2262, first ¶, as enacted by PL 2021, c. 674, §1, is amended to read:

~~Criminal~~ Except as provided in section 2262-A, criminal history record information relating to a specific criminal conviction may be sealed under this chapter only if:

Sec. 2. 15 MRSA §2262-A is enacted to read:

§2262-A. Special statutory prerequisites for sealing criminal history record information related to engaging in prostitution

Criminal history record information relating to a criminal conviction for engaging in prostitution under Title 17-A, former section 853-A must be sealed under this chapter if:

1. Eligible criminal conviction. The criminal conviction is an eligible criminal conviction;

2. Time since sentence fully satisfied. At least one year has passed since the person has fully satisfied each of the sentencing alternatives imposed under Title 17-A, section 1502, subsection 2 for the eligible criminal conviction; and

3. Other convictions. The person has not been convicted of a violation of Title 17-A, section 852, 853, 853-B or 855 or for engaging in substantially similar conduct in another jurisdiction.

Sec. 3. 15 MRSA §2263, as enacted by PL 2021, c. 674, §1, is amended to read:

§2263. Motion; persons who may file

A person may file a written motion seeking a court order sealing the person's criminal history record information relating to a specific criminal conviction in the underlying criminal proceeding based on a court determination that the person satisfies the statutory prerequisites specified in section 2262 or 2262-A. The written motion must briefly address each of the statutory prerequisites.

Sec. 4. 15 MRSA §2264, sub-§5, as enacted by PL 2021, c. 674, §1, is amended to read:

5. Hearing; order; written findings. The court shall hold a hearing on a motion filed under this section. At the conclusion of the hearing, if the court determines that the person who filed the motion has established by a preponderance of the evidence each of the statutory prerequisites specified in section 2262 or 2262-A, the court shall grant the motion and shall issue a written order sealing the criminal history record information of the eligible criminal conviction that was the subject of the motion. If, at the conclusion of the hearing, the court determines that the person has not established one or more of the statutory prerequisites specified in section 2262 or 2262-A, the court shall issue a written order denying the motion. The order must contain written findings of fact supporting the court's determination. A copy of the court's written order must be provided to the person and the prosecutorial office that represented the State pursuant to subsection 3.

See title page for effective date.

CHAPTER 410

S.P. 720 - L.D. 1795

An Act to Create Greater Transparency for Facility Fees Charged by Health Care Providers and to Establish the Task Force to Evaluate the Impact of Facility Fees on Patients

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

Sec. 1. 22 MRSA §8712, sub-§2-A is enacted to read:

2-A. Facility fees charged by health care providers. By January 1, 2024, and annually thereafter, the organization shall produce and post on its publicly accessible website a report on the payments for facility fees made by payors to the extent that payment information is already reported to the organization. The organization shall submit the report required by this subsection to the Office of Affordable Health Care established in Title 5, section 3122 and the joint standing

committee of the Legislature having jurisdiction over health data reporting and health insurance matters. The joint standing committee may report out legislation based on the report to a first regular or second regular session of the Legislature, depending on the year in which the report is submitted.

For the purposes of this subsection, unless the context otherwise indicates, the following terms have the following meanings.

A. "Facility fee" means any fee charged or billed by a health care provider for outpatient services provided in a hospital-based facility or freestanding emergency facility that is intended to compensate the health care provider for the operational expenses of the health care provider, separate and distinct from a professional fee, and charged or billed regardless of how a health care service is provided.

B. "Health care provider" means a person, whether for profit or nonprofit, that furnishes bills or is paid for health care service delivery in the normal course of business. "Health care provider" includes, but is not limited to, a health system, hospital, hospital-based facility, freestanding emergency facility or urgent care clinic.

Sec. 2. Task force established. The Task Force to Evaluate the Impact of Facility Fees on Patients, referred to in this section as "the task force," is established as follows.

1. Appointments; composition. Notwithstanding Joint Rule 353, the task force consists of 8 voting members and 2 ex officio nonvoting members as follows:

A. Four members must be appointed by the President of the Senate as follows:

- (1) One member of the Senate;
- (2) One member representing a statewide organization supporting the interests of health care consumers;
- (3) One member representing the interests of health insurance carriers; and
- (4) One member with expertise, knowledge and background in health care policy;

B. Four members must be appointed by the Speaker of the House of Representatives as follows:

- (1) One member of the House of Representatives;
- (2) One member representing a statewide organization of retired persons;
- (3) One member representing a statewide organization of hospitals; and
- (4) One member representing a hospital in the State; and