

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

SECOND REGULAR SESSION
January 3, 2024 to May 10, 2024

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 9, 2024

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

Augusta, Maine
2024

1935, 15 United States Code, Section 79 et seq., Investment Company Act of 1940, 15 United States Code, Section 80a-1 et seq., Investment Advisers Act of 1940, 15 United States Code, Section 80b-1 et seq., Employee Retirement Income Security Act of 1974, 29 United States Code, Section 1001 et seq., National Housing Act, 12 United States Code, Section 1701 et seq., Commodity Exchange Act, 7 United States Code, Section 1 et seq., Internal Revenue Code, 26 United States Code, Section 1 et seq., Securities Investor Protection Act of 1970, 15 United States Code, Section 78aaa et seq., Securities Litigation Uniform Standards Act of 1998, 112 Stat. 3227, Small Business Investment Act of 1958, 15 United States Code, Section 661 et seq. and Electronic Signatures in Global and National Commerce Act, 15 United States Code, Section 7001 et seq. and Gramm-Leach-Bliley Act, 15 United States Code, Section 6801 et seq. mean those federal laws of those names, those statutes and the rules and regulations adopted under those laws and statutes, as amended, as of December 31, 2006 2023.

Sec. 2. 32 MRSA §16304, sub-§6-A, ¶D, as enacted by PL 2013, c. 452, §1, is amended to read:

D. The offering meets the requirements of the federal exemption for limited offerings and sales of securities not exceeding ~~\$1,000,000~~ \$10,000,000 in 17 Code of Federal Regulations, Section 230.504 (2013);

Sec. 3. 32 MRSA §16402, sub-§2, ¶A, as enacted by PL 2005, c. 65, Pt. A, §2, is amended to read:

A. An individual who represents a broker-dealer in effecting transactions in this State limited to those described in Section 15(h)(2) of the federal Securities Exchange Act of 1934, 15 United States Code, Section ~~78(e)(2)~~ 78o(h)(2);

Sec. 4. 32 MRSA §16411, sub-§6, as enacted by PL 2005, c. 65, Pt. A, §2, is amended to read:

6. Requirements for custody. Subject to Section 15(h) of the federal Securities Exchange Act of 1934, 15 United States Code, Section 78o(h) or Section 222 of the federal Investment Advisers Act of 1940, 15 United States Code, Section ~~80b-22~~ 80b-18a, an agent may not have custody of funds or securities of a customer except under the supervision of a broker-dealer and an investment adviser representative may not have custody of funds or securities of a client except under the supervision of an investment adviser or a federal covered investment adviser. A rule adopted or order issued under this chapter may prohibit, limit or impose conditions on a broker-dealer regarding custody of funds or securities of a customer and on an investment adviser regarding custody of securities or funds of a client.

Sec. 5. 32 MRSA §16411, sub-§9, as enacted by PL 2005, c. 65, Pt. A, §2, is amended to read:

9. Privacy provisions. A broker-dealer licensed or required to be licensed under this chapter and an investment adviser licensed or required to be licensed under this chapter shall comply with the privacy provisions of the federal Gramm-Leach-Bliley Act, 15 United States Code, Section 6801 et seq. (1999) and the implementing Regulation S-P, ~~federal~~; Privacy of Consumer Financial Information and Safeguarding Personal Information, 17 Code of Federal Regulations, Part 248, Subpart A (2001) adopted by the Securities and Exchange Commission. This subsection is not intended to permit the release of health care information except as permitted by Title 22, section 1711-C or Title 24-A, chapter 24.

See title page for effective date.

CHAPTER 504

S.P. 849 - L.D. 2021

**An Act to Clarify the Laws
Regarding Pharmaceutical
Product Stewardship**

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

Sec. 1. 38 MRSA §1612, sub-§1, ¶B, as enacted by PL 2021, c. 94, §2, is repealed.

Sec. 2. 38 MRSA §1612, sub-§1, ¶D, as enacted by PL 2021, c. 94, §2, is amended to read:

D. "Covered drug" means any substance recognized as a drug under 21 United States Code, Section 321(g)(1), as amended, and any regulations adopted pursuant to that provision, that is sold, offered for sale or dispensed in the State, whether directly or through a wholesaler, in any form, including, but not limited to, prescription and nonprescription drugs, drugs in medical devices and combination products, brand name and generic drugs and drugs for veterinary use.

"Covered drug" does not include:

- (1) Vitamins or supplements;
- (2) Herbal-based remedies and homeopathic drugs, products or remedies;
- (3) Cosmetics, soap with or without germicidal agents, laundry detergent, bleach, household cleaning products, shampoo, sunscreen, toothpaste, lip balm, antiperspirant or other personal care products that are regulated as both cosmetics and nonprescription drugs under the Federal Food, Drug, and Cosmetic Act;
- (4) Pet pesticide products contained in pet collars, powders, shampoos, topical applications or other forms and prescription pet food;

(5) Drugs that are biological products, as defined in 21 Code of Federal Regulations, Section 600.3(h), if the manufacturer provides a program to take back that drug;

(6) Drugs for which a manufacturer provides a program to take back those drugs as part of a United States Department of Health and Human Services, Food and Drug Administration managed risk evaluation and mitigation strategy;

(7) Emptied syringes or emptied medical devices or the component parts or accessories of those products or devices;

(8) Drugs that are used solely in a clinical setting; and

(9) Dialysate drugs required to perform home kidney dialysis.

Sec. 3. 38 MRSA §1612, sub-§1, ¶K, as enacted by PL 2021, c. 94, §2, is amended to read:

K. "Manufacturer" means:

~~(1) A person that has legal ownership of the brand of a covered drug sold in or into the State; or~~

(1-A) Except as provided in subparagraph (2), a manufacturer of a covered drug that is sold or offered for sale in or into the State; or

~~(2) If the person to which subparagraph (1) applies manufacturer of a covered drug that is sold or offered for sale in or into the State has no physical presence in the United States and is not a participant in a stewardship program, a person that imports a covered drug that is branded by the person to which subparagraph (1) applies sold or offered for sale in or into the State.~~

"Manufacturer" does not include a wholesaler that sells or offers for sale in the State at wholesale a covered drug if the covered drug is manufactured by a manufacturer that is a participant in a stewardship program.

"Manufacturer" does not include a retailer that sells or offers for sale in the State at retail a covered drug under the retailer's ~~brand or~~ store label if the covered drug is manufactured by a manufacturer that is a participant in a stewardship program.

Sec. 4. 38 MRSA §1612, sub-§3, ¶B, as enacted by PL 2021, c. 94, §2, is amended to read:

B. Contact information for the person submitting the plan to whom the department shall direct all related inquiries, a list of participating manufacturers and their ~~brands covered drugs~~, contact information for each participating manufacturer and a

list of the covered drugs manufactured by any participating manufacturer that are ~~branded or~~ labeled for sale in the State by a retailer under the retailer's own ~~brand or~~ store label;

See title page for effective date.

CHAPTER 505

S.P. 862 - L.D. 2034

An Act to Address Identified Gaps in the Laws Governing Erosion Control and the Natural Resources Protection Act

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

Sec. 1. 38 MRSA §420-C, 2nd ¶, as enacted by PL 1997, c. 748, §1, is amended to read:

A person who owns property in an organized area of this State that is subject to erosion because of a human activity before July 1, 1997 involving filling, displacing or exposing soil or other earthen materials shall take measures in accordance with the dates established under this paragraph to prevent unreasonable erosion of soil or sediment into a protected natural resource as defined in section 480-B, subsection 8. Adequate and timely temporary and permanent stabilization measures must be taken and maintained on that site to prevent unreasonable erosion and sedimentation. This paragraph applies on and after July 1, 2005 to property that is located in the watershed of a body of water most at risk as identified in the department's storm water rules adopted pursuant to section 420-D and that is subject to erosion of soil or sediment into a protected natural resource as defined in section 480-B, subsection 8. This paragraph applies on and after July 1, 2010 to other property that is subject to erosion of soil or sediment into a protected natural resource as defined in section 480-B, subsection 8.

Sec. 2. 38 MRSA §420-C, 3rd ¶, as enacted by PL 1995, c. 704, Pt. B, §2 and affected by Pt. C, §2 and amended by PL 2011, c. 682, §38, is further amended to read:

This section applies to a project or any portion of a project located within ~~an organized area of this the~~ State. This section does not apply to agricultural fields. Forest management activities, including associated road construction or maintenance, conducted in accordance with applicable standards of the ~~Maine Land Use Planning Commission~~ Department of Agriculture, Conservation and Forestry, Bureau of Forestry, are deemed to comply with this section. This section may not be construed to limit a municipality's authority under home rule to adopt ordinances containing stricter standards than those contained in this section.