

MAINE STATE LEGISLATURE

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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

Sec. 4. Burial-transit permit fee. Notwithstanding any provision of law to the contrary, the Department of Health and Human Services shall, by December 15, 2024, amend its rule Chapter 1: Transportation and Final Disposition of Dead Bodies to increase the fee charged for a burial-transit permit by \$5.

Sec. 5. Appropriations and allocations. The following appropriations and allocations are made.

MAINE STATE CEMETERY PRESERVATION COMMISSION

Cemetery Preservation Fund N498

Initiative: Provides an allocation for the Maine State Cemetery Preservation Commission for the funding received from additional fees collected for the burial-transit permit fee.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$85,500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$85,500

See title page for effective date.

CHAPTER 678

S.P. 958 - L.D. 2238

An Act to Address Gun Violence in Maine by Requiring a Waiting Period for Certain Firearm Purchases

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

Sec. 1. 25 MRSA §2015 is enacted to read:

§2015. Waiting period after sale of firearm

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Agreement" means an agreement reached between a buyer and a seller for the purchase and the sale of a firearm.

B. "Buyer" means a person, not including a firearm dealer, who receives possession or ownership of a firearm through an agreement.

C. "Firearm" has the same meaning as in Title 17-A, section 2, subsection 12-A.

D. "Firearm dealer" means a person that is licensed as a dealer under 18 United States Code, Section 923(a)(3) or that is required to be licensed as a dealer under that section.

E. "Seller" means a person or firearm dealer that owns a firearm and that is transferring ownership of the firearm to a buyer pursuant to an agreement.

2. Waiting period. A seller may not knowingly deliver a firearm to a buyer pursuant to an agreement sooner than 72 hours after the agreement. The 72-hour waiting period must be concurrent with any waiting period imposed by any background check process required by federal or state law.

3. Penalty. This subsection applies to violations of subsection 2.

A. A seller who violates subsection 2 commits a civil violation for which a fine of not less than \$200 and not more than \$500 may be adjudged.

B. A seller who violates subsection 2 after having previously been adjudicated as violating subsection 2 commits a civil violation for which a fine of not less than \$500 and not more than \$1,000 may be adjudged.

4. Application. This section does not apply to:

A. The sale of a firearm if the seller knows that the person to whom the seller is selling the firearm is:

(1) A law enforcement officer as defined by Title 17-A, section 2, subsection 17;

(2) A corrections officer as defined by section 2801-A, subsection 2; or

(3) A person who is employed by a contract security company or proprietary security organization as defined by Title 32, section 9403 or a person who is licensed as a private security guard under Title 32, chapter 93;

B. The sale of a firearm to a firearm dealer; or

C. The sale of a firearm if:

(1) The buyer and seller are family members. For purposes of this subparagraph, "family member" means a spouse, domestic partner, parent, stepparent, foster parent, child, stepchild, foster child or person related by consanguinity within the 2nd degree;

(2) The transaction is for a firearm that is:

(a) A curio or relic, as defined in 27 Code of Federal Regulations, Section 478.11, and the sale, transfer or exchange is between collectors, as defined in 18 United States Code, Section 921(a)(13), who each have in their possession a valid collector of curios and relics license issued by the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives; or

(b) An antique firearm, as defined in 18 United States Code, Section 921(a)(16);
or

(3) A background check is not required under federal or state law.

See title page for effective date.

CHAPTER 679
S.P. 32 - L.D. 40

**An Act to Protect Liberty and
Advance Justice in the
Administration and
Enforcement of the Cannabis
Legalization Act and the Maine
Medical Use of Cannabis Act**

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

PART A

Sec. A-1. 3 MRSA §959, sub-§1, ¶J, as amended by PL 2021, c. 617, §1, is further amended to read:

J. The joint standing committee of the Legislature having jurisdiction over veterans and legal affairs shall use the following list as a guideline for scheduling reviews:

- (2) State Liquor and Lottery Commission in 2023;
- (3) ~~The~~ Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations with regard to the enforcement of the law relating to the manufacture, importation, storage, transportation and sale of all liquor and the laws relating to licensing and the collection of taxes on malt liquor and wine in 2023; ~~and~~
- (4) Department of Defense, Veterans and Emergency Management in 2027, except for the Maine Emergency Management Agency within the department; ~~and~~
- (5) Department of Administrative and Financial Services, Office of Cannabis Policy with regard to the administration and enforcement of the laws relating to the Cannabis Legalization Act and the Maine Medical Use of Cannabis Act in 2031.

Sec. A-2. 3 MRSA §959, sub-§1, ¶S, as enacted by PL 2021, c. 617, §1 and amended by c. 669, §5, is repealed.

Sec. A-3. 22 MRSA §2421-A is enacted to read:

§2421-A. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Assistant. "Assistant" means an individual who is paid to perform a service for a registrant, whether as an employee or independent contractor, in accordance with this chapter.

2. Cannabis concentrate. "Cannabis concentrate" means the resin extracted from any part of a cannabis plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin, including, but not limited to, hashish. "Cannabis concentrate" does not include resin extracted from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

3. Cannabis extraction. "Cannabis extraction" means the process of extracting cannabis concentrate from harvested cannabis using water, lipids, gases, solvents or other chemicals or chemical processes. "Cannabis extraction" does not include the process of extracting concentrate from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

4. Cannabis Legalization Act. "Cannabis Legalization Act" means the laws governing adult use of cannabis under Title 28-B, chapter 1.

5. 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;