

**Supplemental bills for
LPC Subcommittee on
Elections, State & Local
Government, Marijuana,
Labor
&
Utilities**

(Bills in order of Committee of jurisdiction)



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 402

H.P. 311

House of Representatives, January 29, 2019

An Act To Restore Overtime Protections for Maine Workers

Reference to the Committee on Labor and Housing suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative TIPPING of Orono.
Cosponsored by Senator BELLOWS of Kennebec and
Representatives: COLLINGS of Portland, CUDDY of Winterport, DUNPHY of Old Town,
MASTRACCIO of Sanford, RYKERSON of Kittery, SYLVESTER of Portland, Senators:
President JACKSON of Aroostook, LIBBY of Androscoggin.

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

2 **Sec. 1. 26 MRSA §663, sub-§3, ¶K,** as amended by PL 2009, c. 529, §2, is
3 further amended to read:

4 K. A salaried employee who works in a bona fide executive, administrative or
5 professional capacity and whose regular compensation, when converted to an annual
6 rate, meets or exceeds 3000 times the State's minimum hourly wage or the rate
7 established in this paragraph or the annualized rate established by the United States
8 Department of Labor under the federal Fair Labor Standards Act, whichever is
9 higher. Beginning October 1, 2019, the rate is \$33,000; beginning January 1, 2020,
10 the rate is \$40,408; beginning January 1, 2021, the rate is \$47,816; and beginning
11 January 1, 2022, the rate is \$55,224. On January 1, 2023, and each year thereafter,
12 the rate must be increased by the percentage annual increase, if any, in the 2nd
13 quartile of usual weekly earnings for employed full-time wage and salary workers as
14 published by the United States Department of Labor, Bureau of Labor Statistics, or its
15 successor agency, with the amount of the rate increase rounded to the nearest dollar;
16 and

17 **SUMMARY**

18 This bill annually raises the minimum salary that an employee who works in an
19 executive, administrative or professional capacity must earn in order for that employee to
20 be exempt from the laws governing the minimum wage and overtime pay until it is
21 \$55,224 on January 1, 2022. The bill provides for an annual adjustment, beginning
22 January 1, 2023, based on the percentage annual increase in certain earnings as published
23 by the United States Department of Labor, Bureau of Labor Statistics.

To: Elections, State & Local Government, Marijuana, Labor & Utilities Subcommittee
From: Garrett Corbin
Date: Wednesday, February 27, 2019
Re: Request for Reconsideration of LPC Position on LD 402

Peter Gore, Maine State Chamber of Commerce Executive Vice Present, has asked the LPC to reconsider its “no position” stance on LD 402, *An Act to Restore Overtime Protections for Maine Workers*. A copy of the bill is also attached.

The bill proposes to annually increase the minimum salary an executive, administrative or professional employee must earn in order to be exempt from the laws governing minimum wage and overtime pay. Specifically the minimum salary paid to an exempt employee is increased from the current \$33,000 (3,000 times the state’s minimum wage) to \$55,224 on January 1, 2022, and beginning on January 1, 2023, is annually adjusted based on the percentage annual increase in earnings published by the United States Department of Labor, Bureau of Labor Statistics.

During Thursday’s morning session, our subcommittee will be asked whether they want to reconsider their position on LD 402, and if yes, to make a recommendation for consideration by the LPC.

I look forward to seeing you tomorrow morning.



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 630

H.P. 459

House of Representatives, February 5, 2019

An Act To Clarify That Food and Food Products Containing Hemp-derived Cannabidiol Produced and Sold within the State Are Not Adulterated and To Match the State's Definition of "Hemp" to the Definition in Federal Law

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

Marijuana-related

R(+ B. Hunt

ROBERT B. HUNT
Clerk

Presented by Representative HICKMAN of Winthrop.
Cosponsored by President JACKSON of Aroostook and
Representative: JOHANSEN of Monticello, Senator: HERBIG of Waldo.

1 **Emergency preamble. Whereas**, acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas**, the federal Food and Drug Administration, in response to the passage of
4 the federal Agriculture Improvement Act of 2018, released a statement announcing that it
5 is unlawful under the Federal Food, Drug, and Cosmetic Act to introduce food containing
6 added cannabidiol into interstate commerce because it is an active ingredient in a
7 federally approved pharmaceutical drug; and

8 **Whereas**, the health inspection program within the Maine Centers for Disease
9 Control in the Department of Health and Human Services has sent letters to retail food
10 establishments in the State and regulators from the Department of Agriculture,
11 Conservation and Forestry have contacted pet stores explaining that any food or food
12 products containing hemp-derived cannabidiol must be removed from shelves, even if
13 those food or food products are not introduced into interstate commerce, which has
14 created anxiety and confusion among business owners, stakeholders and consumers alike;
15 and

16 **Whereas**, any compliance with the letters or statements from the Department of
17 Health and Human Services or the Department of Agriculture, Conservation and Forestry,
18 which expand the federal Food and Drug Administration's authority to regulate only food
19 that enters into interstate commerce, will undermine state sovereignty, diminish the
20 livelihoods of Maine hemp farmers, food producers and retailers and deprive the people
21 of Maine of the food that they consider necessary for their own or their animals' health
22 and well-being; and

23 **Whereas**, in the judgment of the Legislature, these facts create an emergency within
24 the meaning of the Constitution of Maine and require the following legislation as
25 immediately necessary for the preservation of the public peace, health and safety; now,
26 therefore,

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

28 **PART A**

29 **Sec. A-1. 22 MRSA §2158-A** is enacted to read:

30 **§2158-A. Food and food products containing hemp not adulterated**

31 Notwithstanding any other provision of law to the contrary, food or food products
32 that contain hemp or any part of the hemp plant, including the seeds and all naturally
33 occurring cannabinoids, compounds, concentrates, extracts, isolates, resins, isomers,
34 acids, salts, salts of isomers or cannabidiol derivatives, are not considered to be
35 adulterated or misbranded under this subchapter based solely on the inclusion of hemp or
36 any part of the hemp plant. The nonpharmaceutical or nonmedical production, marketing,
37 sale or distribution of food or food products within the State that contain hemp or any part
38 of the hemp plant may not be restricted or prohibited within the State based solely on the
39 inclusion of hemp or any part of the hemp plant. A food establishment may not make any

1 claims that food or food products that contain hemp can treat, cure or prevent any disease
2 without approval pursuant to federal law. For the purposes of this section, "hemp" has the
3 same meaning as in Title 7, section 2231, subsection 1.

4 **PART B**

5 **Sec. B-1. 7 MRSA §2231**, as amended by PL 2015, c. 202, §1, is further amended
6 to read:

7 **§2231. Hemp**

8 **1. Definition.** As used in this chapter, unless the context otherwise indicates,
9 "industrial hemp" means ~~any variety of the plant~~ Cannabis sativa L. and any part of that
10 plant, including the seeds and all derivatives, extracts, cannabinoids, isomers, acids, salts
11 and salts of isomers, whether growing or not, with a delta-9-tetrahydrocannabinol
12 concentration ~~that does not exceed~~ of not more than 0.3% on a dry weight basis and that
13 is grown or possessed by a licensed grower in compliance with this chapter. As used in
14 this chapter, unless the context otherwise indicates, "certified seed source" means a
15 source of hemp seeds that are certified by a 3rd party as producing hemp having a delta-
16 9-tetrahydrocannabinol concentration ~~that does not exceed~~ of not more than 0.3% on a
17 dry weight basis.

18 **2. Growing permitted.** Notwithstanding any other provision of law, a person may
19 plant, grow, harvest, possess, process, sell and buy ~~industrial~~ hemp if that person holds a
20 license issued pursuant to subsection 4. A person licensed pursuant to subsection 4 may
21 plant, grow and harvest only hemp that is grown from seeds acquired from a certified
22 seed source. A person licensed pursuant to subsection 4 may acquire hemp seeds directly
23 from a certified seed source or from a hemp seed distributor licensed in this State
24 distributing hemp seeds pursuant to subsection 2-A.

25 **2-A. Seed distribution.** The commissioner may issue a license for a hemp seed
26 distributor if the hemp seeds distributed by the hemp seed distributor are from a certified
27 seed source. The commissioner may issue a license under this subsection to a holder of a
28 seed labeling license pursuant to section 1044-A.

29 **3. Application.** A person desiring to grow ~~industrial~~ hemp for commercial purposes
30 shall apply to the commissioner for a license on a form prescribed by the commissioner.
31 The application must include the name and address of the applicant, the legal description
32 of the land area to be used for the production of ~~industrial~~ hemp and a map, an aerial
33 photograph or global positioning coordinates sufficient for locating the production fields.

34 **4. License issued.** Upon review and approval of an application, the commissioner
35 shall notify the applicant and request that the application fee determined under subsection
36 7 be submitted. Upon receipt of the appropriate fee, the commissioner shall issue a
37 license, which is valid for a period of one year and only for the site or sites specified in
38 the license.

39 **6. Rules.** The commissioner shall adopt rules to establish an application fee, a
40 license fee, per acre fees for monitoring, sampling and testing and guidelines for

1 monitoring the growth and harvest of ~~industrial~~ hemp. Rules adopted pursuant to this
2 subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

3 7. **Fees.** The commissioner shall establish through rulemaking under subsection 6 an
4 application fee, a license fee and per acre fees for monitoring, sampling and testing that
5 are reasonable and necessary to cover the costs of the department. The application fee
6 must be no less than \$50 and no more than \$100, the license fee must be no less than
7 \$100 and no more than \$500, and the fees for monitoring, sampling and testing must be
8 no less than \$1 per acre and no more than \$100 per acre.

9 All fees received pursuant to this subsection must be paid to the Treasurer of State and
10 credited to a separate, nonlapsing account in the department. Money received pursuant to
11 this subsection must be used for the expenses of administering this chapter.

12 **Sec. B-2. 17-A MRSA §1101, sub-§22**, as enacted by PL 2003, c. 61, §1, is
13 amended to read:

14 22. "~~Industrial hemp~~ Hemp" means ~~any variety of the plant~~ Cannabis sativa L. and
15 any part of that plant, including the seeds and all derivatives, extracts, cannabinoids,
16 isomers, acids, salts and salts of isomers, whether growing or not, with a delta-9-
17 tetrahydrocannabinol concentration that does not exceed of not more than 0.3% on a dry
18 weight basis and that is grown under a federal permit in compliance with the conditions
19 of that permit.

20 **Sec. B-3. 17-A MRSA §1103, sub-§7**, as enacted by PL 2003, c. 61, §2, is
21 amended to read:

22 7. It is an affirmative defense to prosecution under this section that the substance
23 trafficked in is ~~industrial~~ hemp.

24 **Sec. B-4. 17-A MRSA §1105-A, sub-§3**, as enacted by PL 2003, c. 61, §3, is
25 amended to read:

26 3. It is an affirmative defense to prosecution under this section that the substance
27 trafficked in is ~~industrial~~ hemp.

28 **Sec. B-5. 17-A MRSA §1105-C, sub-§3**, as enacted by PL 2003, c. 61, §4, is
29 amended to read:

30 3. It is an affirmative defense to prosecution under this section that the substance
31 furnished is ~~industrial~~ hemp.

32 **Sec. B-6. 17-A MRSA §1105-D, sub-§3**, as enacted by PL 2003, c. 61, §5, is
33 amended to read:

34 3. It is an affirmative defense to prosecution under this section that the substance
35 cultivated or grown is ~~industrial~~ hemp.

36 **Sec. B-7. 17-A MRSA §1106, sub-§6, ¶A**, as enacted by PL 2007, c. 346, Pt. B,
37 §1, is amended to read:

1 A. ~~Industrial hemp~~ Hemp; or

2 **Sec. B-8. 17-A MRSA §1107-A, sub-§3, ¶A**, as enacted by PL 2005, c. 430, §4
3 and affected by §10, is amended to read:

4 A. The substance possessed is ~~industrial~~ hemp; or

5 **Sec. B-9. 17-A MRSA §1107-A, sub-§5, ¶A**, as enacted by PL 2007, c. 346, Pt.
6 B, §2, is amended to read:

7 A. ~~Industrial hemp~~ Hemp; or

8 **Sec. B-10. 17-A MRSA §1111-A, sub-§10**, as enacted by PL 2003, c. 61, §8, is
9 amended to read:

10 10. It is an affirmative defense to prosecution under this section that the drug
11 paraphernalia used or possessed is used or possessed for the propagation, cultivation or
12 processing of ~~industrial~~ hemp.

13 **Sec. B-11. 17-A MRSA §1117, sub-§3**, as enacted by PL 2003, c. 61, §9, is
14 amended to read:

15 3. It is an affirmative defense to prosecution under this section that the substance
16 cultivated or grown is ~~industrial~~ hemp.

17 **Sec. B-12. 28-B MRSA §102, sub-§27**, as enacted by PL 2017, c. 409, Pt. A, §6,
18 is amended to read:

19 27. **Marijuana.** "Marijuana" means the leaves, stems, flowers and seeds of a
20 marijuana plant, whether growing or not. "Marijuana" includes marijuana concentrate but
21 does not include ~~industrial~~ hemp as defined in Title 7, section 2231, subsection 1 or a
22 marijuana product.

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

25 **SUMMARY**

26 Part A of this bill provides that food and food products containing hemp-derived
27 cannabidiol that are produced and sold within the State are not considered to be
28 "adulterated" under state law, and the production, marketing, sale or distribution of food
29 or food products containing hemp may not be prohibited.

30 Part B of this bill changes the term in Maine law "industrial hemp" to "hemp" and
31 defines "hemp" to match the definition of "hemp" in the federal Agriculture Improvement
32 Act of 2018.



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 970

H.P. 725

House of Representatives, February 26, 2019

**An Act To Encourage Policies Regarding Accessory Dwelling Units
under Local Comprehensive Plans and Zoning Requirements**

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative CAMPBELL of Orrington.
Cosponsored by Senator DIAMOND of Cumberland and
Representatives: DRINKWATER of Milford, FAY of Raymond, KESCHL of Belgrade,
O'CONNOR of Berwick, PERKINS of Oakland, STANLEY of Medway, VEROW of Brewer,
Senator: CHIPMAN of Cumberland.

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

2 **Sec. 1. 30-A MRSA §4301, sub-§1-B** is enacted to read:

3 **1-B. Accessory dwelling unit.** "Accessory dwelling unit" means a dwelling unit
4 located within a detached single-family dwelling unit.

5 **Sec. 2. 30-A MRSA §4312, sub-§3, ¶J**, as amended by PL 2015, c. 349, §1, is
6 further amended to read:

7 J. To promote and protect the availability of outdoor recreation opportunities for all
8 Maine citizens, including access to surface waters; ~~and~~

9 **Sec. 3. 30-A MRSA §4312, sub-§3, ¶K**, as enacted by PL 2015, c. 349, §2, is
10 amended to read:

11 K. To encourage municipalities to develop policies that assess community needs and
12 environmental effects of municipal regulations, lessen the effect of excessive parking
13 requirements for buildings in downtowns and on main streets and provide for
14 alternative approaches for compliance relating to the reuse of upper floors of
15 buildings in downtowns and on main streets; and

16 **Sec. 4. 30-A MRSA §4312, sub-§3, ¶L** is enacted to read:

17 L. To encourage municipalities to develop policies that provide for accessory
18 dwelling units.

19 **Sec. 5. 30-A MRSA §4326, sub-§1, ¶H**, as amended by PL 2015, c. 349, §3, is
20 further amended to read:

21 H. Residential housing stock, including affordable housing, ~~and~~ policies that assess
22 community needs and environmental effects of municipal regulations, lessen the
23 effect of excessive parking requirements for buildings in downtowns and on main
24 streets and provide for alternative approaches for compliance relating to the reuse of
25 upper floors of buildings in downtowns and on main streets and policies that provide
26 for accessory dwelling units;

27 **Sec. 6. 30-A MRSA §4326, sub-§3-A, ¶G**, as amended by PL 2015, c. 349, §4,
28 is further amended to read:

29 G. Ensure that the municipality's or multimunicipal region's land use policies and
30 ordinances encourage the siting and construction of affordable housing within the
31 community and comply with the requirements of section 4358 pertaining to
32 individual mobile home and mobile home park siting and design requirements. The
33 municipality or multimunicipal region shall seek to achieve a level of at least 10% of
34 new residential development, based on a 5-year historical average of residential
35 development in the municipality or multimunicipal region, that meets the definition
36 of affordable housing. A municipality or multimunicipal region is encouraged to
37 seek creative approaches to assist in the development of affordable housing,
38 including, but not limited to, cluster housing, reduced minimum lot and frontage
39 sizes, increased residential densities, use of municipally owned land ~~and~~,

1 establishment of policies that assess community needs and environmental effects of
2 municipal regulations, lessen the effect of excessive parking requirements for
3 buildings in downtowns and on main streets and provide for alternative approaches
4 for compliance relating to the reuse of upper floors of buildings in downtowns and on
5 main streets and establishment of policies that provide for accessory dwelling units;

6 **Sec. 7. 30-A MRSA §4326, sub-§3-A, ¶J**, as amended by PL 2015, c. 349, §5,
7 is further amended to read:

8 J. Develop management goals for great ponds pertaining to the type of shoreline
9 character, intensity of surface water use, protection of resources of state significance
10 and type of public access appropriate for the intensity of use of great ponds within the
11 municipality's or multimunicipal region's jurisdiction; ~~and~~

12 **Sec. 8. 30-A MRSA §4326, sub-§3-A, ¶K**, as enacted by PL 2015, c. 349, §6, is
13 amended to read:

14 K. Encourage policies that assess community needs and environmental effects of
15 municipal regulations, lessen the effect of excessive parking requirements for
16 buildings in downtowns and on main streets and provide for alternative approaches
17 for compliance relating to the reuse of upper floors of buildings in downtowns and on
18 main streets; and

19 **Sec. 9. 30-A MRSA §4326, sub-§3-A, ¶L** is enacted to read:

20 L. Establish policies that provide for accessory dwelling units.

21 **SUMMARY**

22 This bill directs municipalities to develop policies in the comprehensive planning
23 process that provide for accessory dwelling units, which are dwelling units located within
24 a detached single-family dwelling unit.



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 999

S.P. 289

In Senate, February 26, 2019

**An Act To Allow Medical and Adult Use Marijuana Stores To Share
a Common Space**

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant".

DAREK M. GRANT
Secretary of the Senate

Presented by Senator MIRAMANT of Knox.
Cosponsored by Senators: CHIPMAN of Cumberland, VITELLI of Sagadahoc,
Representatives: ACKLEY of Monmouth, COLLINGS of Portland, HOBBS of Wells,
TIPPING of Orono, WARREN of Hallowell.

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

2 **Sec. 1. 28-B MRSA §504, sub-§5**, as enacted by PL 2017, c. 409, Pt. A, §6 and
3 amended by c. 452, §37, is repealed.

4 **Sec. 2. 28-B MRSA §504, sub-§5-A** is enacted to read:

5 **5-A. Use of shared facility for retail sale of adult use marijuana and adult use**
6 **marijuana products and sale of marijuana and marijuana products for medical use.**
7 **A marijuana store licensee that is also a registered caregiver or a registered dispensary**
8 **may sell or offer for sale to consumers adult use marijuana and adult use marijuana**
9 **products pursuant to this chapter within the same facility or building in which the licensee**
10 **also sells or offers for sale to qualifying patients marijuana and marijuana products for**
11 **medical use pursuant to the Maine Medical Use of Marijuana Act, as long as the adult use**
12 **marijuana and adult use marijuana products are sold using a different cash register than**
13 **that used for sales of marijuana and marijuana products for medical use.**

14 **SUMMARY**

15 This bill allows the use of a shared facility for retail sale of adult use marijuana and
16 adult use marijuana products and sale of marijuana and marijuana products for medical
17 use, as long as the adult use marijuana and adult use marijuana products are sold using a
18 different cash register than that used for sales of marijuana and marijuana products for
19 medical use.



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1026

H.P. 756

House of Representatives, February 28, 2019

An Act To Require Election Transparency

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative HUBBELL of Bar Harbor.
Cosponsored by Senator BELLOWS of Kennebec and
Representative: HICKMAN of Winthrop, Senator: SANBORN, L. of Cumberland.

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

2 **Sec. 1. 21-A MRSA §610** is enacted to read:

3 **§610. Election transparency**

4 **1. Transparency of election procedures.** The Secretary of State shall publish a
5 guide to election procedures for public distribution and revise the guide annually to
6 reflect current law, rules and procedures regarding elections. The guide must describe:

7 A. Rules regarding polling places and the conduct of elections;

8 B. Devices and software used to capture, interpret or tally votes and the capabilities
9 and deployment of the devices and software;

10 C. Duties of election officials on, before and after election day;

11 D. Opportunities for citizens to monitor election procedures; and

12 E. Other election laws, rules or procedures that the Secretary of State determines
13 appropriate for the public interest.

14 **2. Duties of election officials.** For each election, an election official shall complete
15 and return to the Secretary of State:

16 A. A completed checklist of election procedures for the election official's voting
17 place; and

18 B. A ballot reconciliation form that accounts for ballots delivered, ballots voted,
19 absentee ballots mailed and returned, spoiled ballots, unused ballots, challenged
20 ballots and ballots unaccounted for.

21 Each completed form required under this subsection must be signed by the municipal
22 clerk and one other election official. The Secretary of State shall provide the forms
23 required under this subsection and direct the manner in which the forms must be
24 completed and returned to the Secretary of State.

25 **3. Election complaints.** The Secretary of State shall develop an election complaint
26 process that an election official and the public can use to report excessive wait times,
27 noncompliance with election procedures or other concerns about the election process.
28 Instructions for filing a complaint under this subsection must be included in the guide to
29 election procedures under subsection 1 and posted at all polling places. The Secretary of
30 State shall keep a record of and make public each complaint received under this
31 subsection and any action taken in response to that complaint.

32 **4. Data sharing.** The Secretary of State shall maintain automatic voter registration
33 information. The Secretary of State shall contract with a nonprofit corporation of
34 member states to comply with this subsection.

35 **5. Election report.** Within 12 months after a general election, the Secretary of State
36 shall submit a report to the Legislature that includes for all elections since the prior
37 general election:

- 1 3. Develop an election complaint process;
- 2 4. Maintain automatic voter registration information and contract with a nonprofit
- 3 corporation of member states to maintain the information;
- 4 5. Report to the Legislature on certain election issues within 12 months after a
- 5 general election; and
- 6 6. Conduct a study of post-election audits and recounts.