

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST SPECIAL SESSION
September 27, 2011

SECOND REGULAR SESSION
January 4, 2012 to May 31, 2012

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
LAWS IS
SEPTEMBER 28, 2011

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 30, 2012

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

Augusta, Maine
2012

Initiative: Recognizes savings from implementing a decrease in charges made by the Department of Administrative and Financial Services, Division of Financial and Personnel Services for its services.

GENERAL FUND	2011-12	2012-13
All Other	(\$835,588)	\$0
GENERAL FUND TOTAL	(\$835,588)	\$0

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

Effective March 30, 2012.

CHAPTER 576

H.P. 1222 - L.D. 1613

An Act To Strengthen the Relationship between Land Users and Landowners

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

Sec. 1. 12 MRSA §10108, sub-§3, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §28 and affected by §422, is repealed.

Sec. 2. 12 MRSA §10108, sub-§4, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §29 and affected by §422, is repealed.

Sec. 3. 12 MRSA §10108, sub-§4-A is enacted to read:

4-A. Landowner relations program. The commissioner shall develop and implement a landowner relations program, referred to in this section as "the program."

A. The program must:

- (1) Encourage landowners to allow outdoor recreationists access to their property to hunt, fish or engage in other outdoor recreational pursuits;
- (2) Foster good relationships between landowners and outdoor recreationists; and
- (3) Promote high standards of courtesy, respect and responsibility by outdoor recreationists in their relations with landowners.

B. The commissioner shall appoint a landowner relations coordinator to oversee the program and any other landowner relations activities of the department.

C. To the extent resources allow, the program must include the following elements:

(1) Building and maintaining an educated and motivated group of outdoor recreationists who meet and promote high standards of courtesy, respect and responsibility in their relations with landowners and who are willing to volunteer in program-related projects or efforts to improve landowner relations;

(2) Issuing a certificate to persons wishing to support or participate in the program. The commissioner may establish a fee for the certificate, which may not exceed \$20. All proceeds from the fees must be deposited in the Landowner Relations Fund established in section 10265;

(3) Developing and disseminating to outdoor recreationists a code of ethics or other information promoting high standards of courtesy, respect and responsibility in their relations with landowners;

(4) Developing an outreach program that provides educational materials and signs and that disseminates information to landowners and land users about landowner rights, landowner liability protections, the tradition of allowing outdoor recreationists to use private land and law enforcement resources available to landowners;

(5) Engaging organizations and companies representing landowners, conservation groups, recreationists, land trusts and other organizations involved in outdoor recreation in developing, implementing and publicizing the program;

(6) Organizing or otherwise promoting landowner appreciation events;

(7) Working with representatives of various state agencies to promote and broaden public access to private lands for recreational use and to enhance enforcement of applicable laws; and

(8) Seeking and developing sources of funding to support the program.

Sec. 4. 12 MRSA §10157, sub-§1, ¶A, as enacted by PL 2003, c. 655, Pt. B, §36 and affected by §422, is amended to read:

A. ~~Three~~ Four ex officio members:

- (1) The commissioner or the commissioner's designee;
- (2) The Commissioner of Environmental Protection or the commissioner's designee; ~~and~~

(3) The Commissioner of Conservation or the commissioner's designee; and

(4) The Commissioner of Agriculture, Food and Rural Resources or the commissioner's designee;

Sec. 5. 12 MRSA §10265 is enacted to read:

§10265. Landowner Relations Fund

The Landowner Relations Fund, referred to in this section as "the fund," is established within the department as a nonlapsing fund to be used by the commissioner to fund or assist in funding the landowner relations program established pursuant to section 10108, subsection 4-A. All funds from fees collected under section 10108, subsection 3 and subsection 4-A, paragraph C must be deposited in the fund. The fund receives any other funds appropriated or allocated to the fund. The commissioner may accept and deposit into the fund monetary gifts, donations or other contributions from public or private sources for the purposes specified in this section. The fund must be held separate and apart from all other money, funds and accounts.

Sec. 6. 12 MRSA §10903, last ¶, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

Outdoor ethics courses must be scheduled by the Bureau of Warden Service and must be given whenever there are 10 or more persons needing or wanting to take the course. The fee for an outdoor ethics course is \$100, payable 10 working days prior to the start of the course. All fees collected under this section are allocated to the ~~Sport Hunter Program landowner relations program~~ established in section 10108, subsection 4, ~~paragraph B~~ 4-A.

Sec. 7. 29-A MRSA §456-C, sub-§3, ¶A, as enacted by PL 2007, c. 703, §6, is amended to read:

A. Eighteen dollars credited as follows:

- (1) Fifty percent to the fish hatchery maintenance fund established in Title 12, section 10252;
- (2) Fifteen percent to the Boat Launch Facilities Fund established in Title 12, section 10261;
- (3) Ten percent to the Maine Endangered and Nongame Wildlife Fund established in Title 12, section 10253; and
- (4) Twenty-five percent to the ~~Support Landowners Program landowner relations program~~ in Title 12, section 10108, subsection 4, ~~paragraph A~~ 4-A;

Sec. 8. Landowners and Sportsmen Relations Advisory Board. Pursuant to the Maine Revised Statutes, Title 12, section 10157, subsection 7,

paragraph E, the Landowners and Sportsmen Relations Advisory Board shall review its membership and, if necessary, recommend changes in the advisory board's representational membership to the Commissioner of Inland Fisheries and Wildlife. The commissioner shall report to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters by January 15, 2013 on any recommended changes in the advisory board's membership. The committee may submit a bill regarding the advisory board to the First Regular Session of the 126th Legislature.

Sec. 9. Appropriations and allocations. The following appropriations and allocations are made.

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF

Landowner Relations Fund N129

Initiative: Establishes the Landowner Relations Fund and transfers allocation from the Sport Hunter Program and Support Landowners Program, which are both repealed in this legislation.

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
Personal Services	\$0	\$3,799
All Other	\$0	\$62,262
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$66,061

Sport Hunter Program 0827

Initiative: Eliminates the Sport Hunter Program and transfers allocation to the Landowner Relations Fund.

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
Personal Services	\$0	(\$2,848)
All Other	\$0	(\$10,905)
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$13,753)

Support Landowners Program 0826

Initiative: Eliminates the Support Landowners Program and transfers allocation to the Landowner Relations Fund.

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
Personal Services	\$0	(\$951)
All Other	\$0	(\$51,357)

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$52,308)
INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF		
DEPARTMENT TOTALS	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0

Sec. 10. Effective date. That section of this Act that repeals the Maine Revised Statutes, Title 12, section 10108, subsection 3 takes effect January 1, 2013.

See title page for effective date, unless otherwise indicated.

**CHAPTER 577
H.P. 1267 - L.D. 1715**

An Act To Allow for Timely Access to and Enhanced Administration of All Vaccines

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

Sec. 1. 32 MRSA §13702-A, sub-§28, as amended by PL 2009, c. 308, §1, is further amended to read:

28. Practice of pharmacy. "Practice of pharmacy" means the interpretation and evaluation of prescription drug orders; the compounding, dispensing, and labeling of drugs and devices, except labeling by a manufacturer, packer or distributor of nonprescription drugs and commercially packaged legend drugs and devices; the participation in drug selection and drug utilization reviews; the proper and safe storage of drugs and devices and the maintenance of proper records for these drugs and devices; the administration of ~~influenza vaccine, intranasal influenza vaccine, pneumococcal vaccine, shingles or herpes zoster vaccine, tetanus diphtheria pertussis vaccine and tetanus diphtheria vaccine~~ vaccines licensed by the United States Food and Drug Administration that are recommended by the United States Centers for Disease Control and Prevention Advisory Committee on Immunization Practices, or successor organization, for administration to adults; the responsibility for advising, when necessary or regulated, of therapeutic values, content,

hazards and use of drugs and devices; and the offering or performing of those acts, services, operations or transactions necessary in the conduct, operation, management and control of a pharmacy.

Sec. 2. 32 MRSA §13755 is enacted to read:

§13755. Vaccine clinics

A pharmacy may operate a vaccine administration clinic inside, outside or off the pharmacy's premises.

Sec. 3. 32 MRSA §13831, sub-§§2 and 3, as enacted by PL 2009, c. 308, §3, are amended to read:

2. Administration of other vaccines. A pharmacist licensed in this State who meets the qualifications and requirements of section 13832 and rules adopted by the board, in addition to influenza vaccines under subsection 1, may administer ~~pneumococcal vaccine, shingles or herpes zoster vaccine, tetanus diphtheria pertussis vaccine, tetanus diphtheria vaccine and booster tetanus diphtheria vaccine~~ vaccines licensed by the United States Food and Drug Administration that are recommended by the United States Centers for Disease Control and Prevention Advisory Committee on Immunization Practices, or successor organization, for administration to adults to a person 18 years of age or older according to a valid prescription when the person has an existing primary care physician or other existing relationship with a nurse practitioner or an authorized practitioner in this State. When the person does not have an existing relationship with a primary care physician, nurse practitioner or other practitioner in this State, the pharmacist may proceed to administer according to a treatment protocol established by an authorized practitioner or a written standing order from a practitioner authorized under the laws of this State to issue an order, a prescription or a protocol to a person 18 years of age or older for ~~pneumococcal vaccine, shingles or herpes zoster vaccine, tetanus diphtheria pertussis vaccine, tetanus diphtheria vaccine or booster tetanus diphtheria vaccine~~ vaccines licensed by the United States Food and Drug Administration that are recommended by the United States Centers for Disease Control and Prevention Advisory Committee on Immunization Practices, or successor organization, for administration to adults.

3. Emergency administration of certain drugs.

A pharmacist may administer epinephrine or diphenhydramine, or both, to a person in an emergency situation resulting from an adverse reaction to ~~an immunization~~ a vaccine administered by the pharmacist.

Sec. 4. 32 MRSA §13831, sub-§4 is enacted to read:

4. Vaccine clinics. A pharmacist or pharmacy licensed under this chapter may operate a vaccine administration clinic inside, outside or off the pharmacy's premises if the pharmacist or pharmacy obtains approval from the board for the plan of operation of such