

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST SPECIAL SESSION
August 29, 2013

SECOND REGULAR SESSION
January 8, 2014 to May 2, 2014

THE EFFECTIVE DATE FOR
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EMERGENCY LAW IS
SEPTEMBER 6, 2013

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 1, 2014

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

Augusta, Maine
2014

including the National Guard and the Reserves of the United States Armed Forces. As used in this subsection, "deployed for military service" has the same meaning as in Title 26, section 814, subsection 1, paragraph A. A married couple filing jointly under Title 36, section 5221 may claim the credit only to the extent that the spouse on whose behalf the credit is claimed meets these requirements.

5. Calculation of the credit; employers. A Subject to subsection 2, a taxpayer constituting an employer making loan payments directly to a lender during the taxable year on loans included in a qualified employee's financial aid package may claim the a credit under this section under the following circumstances equal to the benchmark loan payment or the actual monthly loan payment made by the employer on the loans, whichever is less, multiplied by the number of months during the taxable year the employer made loan payments on behalf of the qualified employee during the term of employment. The credit under this subsection may not be claimed with respect to months of the taxable year during which the employee was not a qualified employee. The employer may undertake to make partial or full loan payments directly to the relevant lender or lenders on behalf of a qualified employee, having taken reasonable steps to ascertain that the employee is in fact a qualified employee, and may claim a credit based on amounts that came due and were paid by the employer during the term of employment. To receive the credit, the employer must retain for 5 years any proof of eligibility that the employee or independent contractor provides.

The employer may claim a credit for the amount that the qualified employee could have claimed during any months when the qualified employee was employed, had the qualified employee made the partial or full loan payments instead, under conditions where the qualified employee had sufficient income to claim the full credit for the taxable year. If the qualified employee is employed only on a part-time basis during the taxable year, the employer may claim a credit only up with respect to that employee is limited to half of the total that the qualified employee could have claimed had the qualified employee made all payments and earned sufficient income to claim the full credit for the taxable year, but the amount the employer claims must still be based on amounts actually paid. An employer is not disqualified under this section if the qualified employee is not eligible to claim the credit solely because the employee's associate degree or bachelor's degree was awarded by an accredited non Maine community college, college or university 50% of the credit otherwise determined under this subsection.

See title page for effective date.

CHAPTER 526

H.P. 1235 - L.D. 1727

An Act To Establish Guidelines for the Stocking and Administration of Epinephrine Autoinjectors in Schools

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 20-A MRSA §6305 is enacted to read:

§6305. Epinephrine autoinjectors; guidelines; emergency administration

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

A. "Collaborative practice agreement" means a written and signed agreement between a physician licensed in this State or a school health advisor under section 6402-A and a school nurse under section 6403-A that provides for the prescription of epinephrine autoinjectors by the physician or school health advisor and administration of epinephrine autoinjectors by a school nurse or designated school personnel to students during school or a school-sponsored activity under emergency circumstances involving anaphylaxis.

B. "Designated school personnel" means those employees, agents or volunteers of a school administrative unit or an approved private school designated by a collaborative practice agreement between a physician licensed in this State or a school health advisor under section 6402-A and a school nurse under section 6403-A who have completed the training required by rule to provide or administer an epinephrine autoinjector to a student.

C. "Epinephrine autoinjector" means a device that automatically injects a premeasured dose of epinephrine.

D. "School" means a public or approved private school.

2. Collaborative practice agreement; adoption authorized. A school administrative unit or an approved private school may authorize adoption of a collaborative practice agreement for the purposes of stocking and administering epinephrine autoinjectors

as provided under this section. The administration of an epinephrine autoinjector in accordance with this section is not the practice of medicine.

3. Collaborative practice agreement; authority. A collaborative practice agreement permits a physician licensed in this State or school health advisor under section 6402-A to prescribe an epinephrine autoinjector and direct a school nurse under section 6403-A to administer an epinephrine autoinjector in good faith to any student experiencing anaphylaxis during school or a school-sponsored activity. Pursuant to a collaborative practice agreement, a physician licensed in this State or school health advisor under section 6402-A may authorize the school nurse under section 6403-A during school or a school-sponsored activity to designate other school personnel with training required by rule to administer an epinephrine autoinjector if the school nurse is not present when a student experiences anaphylaxis.

4. Collaborative practice agreement; terms and provisions. A collaborative practice agreement must include the following information:

A. Name and physical address of the school;

B. Identification and signatures of the physician or school health advisor under section 6402-A and school nurse under section 6403-A who are parties to the collaborative practice agreement, the dates the agreement is signed by each party and the beginning and end dates of the period of time within which the agreement is in effect; and

C. Any other information considered appropriate by the physician or school health advisor under section 6402-A and school nurse under section 6403-A.

5. Use of epinephrine autoinjectors without a collaborative practice agreement. The governing body of a school administrative unit or an approved private school may authorize a school nurse under section 6403-A and designated school personnel to administer an epinephrine autoinjector to a student in accordance with a prescription specific to the student on file with the school nurse and in accordance with section 254, subsection 5. The administration of an epinephrine autoinjector in accordance with this subsection is not the practice of medicine.

6. Manufacturer or supplier arrangement. A school administrative unit or an approved private school may enter into an arrangement with a manufacturer of epinephrine autoinjectors or a 3rd-party supplier of epinephrine autoinjectors to obtain epinephrine autoinjectors at fair market prices or reduced prices or for free.

7. Purchase from licensed pharmacies. A collaborative practice agreement under this section may provide that a school administrative unit or an ap-

proved private school may purchase epinephrine autoinjectors from a pharmacy licensed in this State.

8. Guidelines. By December 1, 2015 and as needed after that date, the department in consultation with the Department of Health and Human Services shall develop and make available to all schools guidelines for the management of students with life-threatening allergies. The guidelines must include, but are not limited to:

A. Guidelines regarding education and training for school personnel on the management of students with life-threatening allergies, including training related to the administration of an epinephrine autoinjector;

B. Procedures for responding to life-threatening allergic reactions;

C. A process for the development of individualized health care and allergy action plans for students with known life-threatening allergies; and

D. Protocols to prevent exposure to allergens.

9. Plan. By September 1, 2016 and as needed after that date, the governing body of a school administrative unit or an approved private school shall:

A. Implement a protocol based on the guidelines developed pursuant to subsection 8 for the management of students with life-threatening allergies enrolled in the schools under its jurisdiction; and

B. Make the protocol under paragraph A available on the governing body's publicly accessible website or the publicly accessible website of each school under the governing body's jurisdiction or, if those websites do not exist, make the protocol publicly available through other means as determined by the governing body.

The governing body of the school administrative unit or the approved private school shall annually attest to the department that the schools under its jurisdiction are implementing the protocol in accordance with the provisions of this subsection.

Sec. 2. Rules. By December 1, 2015, the Department of Education, in consultation with the Department of Health and Human Services, shall amend their rules relating to medication administration in schools in the State to carry out the provisions of the Maine Revised Statutes, Title 20-A, section 6305. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. The rules must:

1. Encourage each school administrative unit and approved private school to submit to the Department of Education, on a form developed by the Department of Education, a report of each incident in the school administrative unit or the approved private school or at

a school event involving a severe allergic reaction or the administration of an epinephrine autoinjector;

2. Provide for the development and publication, without disclosing personally identifying information, of an annual report by the Department of Education compiling, summarizing and analyzing all incident reports submitted pursuant to subsection 1; and

3. Establish detailed standards for training programs overseen by school nurses that must be completed by designated school personnel in order to provide or administer an epinephrine autoinjector in accordance with Title 20-A, section 6305. The training program may be conducted online and must, at a minimum, cover:

- A. Techniques on how to recognize symptoms of severe allergic reactions, including anaphylaxis;
- B. Standards and procedures for the storage and administration of epinephrine autoinjectors; and
- C. Emergency follow-up procedures.

See title page for effective date.

CHAPTER 527

S.P. 687 - L.D. 1735

An Act To Amend Forester Licensing Requirements

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

Sec. 1. 32 MRSA §5514, sub-§3, ¶C, as amended by PL 2003, c. 364, §2, is further amended to read:

~~C. The applicant shall submit 3 references from persons demonstrating the applicant's good character to work as an intern forester. One of the references must be from the individual provide the name of the person who is proposed to serve as the sponsor.~~

Sec. 2. 32 MRSA §5515, sub-§3, as enacted by PL 2001, c. 261, §4, is repealed and the following enacted in its place:

3. Internship. An applicant for a forester license shall complete an internship as follows.

A. An applicant with an associate degree or no degree shall demonstrate 48 months of forestry experience as an intern forester or as provided in this paragraph pursuant to rules adopted by the board. Notwithstanding the licensure requirements under this subchapter, an applicant with an associate degree may earn up to 12 months of forestry experience toward the 48-month requirement

prior to the issuance of an intern forester license if:

(1) The forestry experience is obtained after the applicant has completed the first year of an associate degree program and prior to graduation from that program and is under the supervision of a forester registered with the board pursuant to subsection 10, paragraph B; or

(2) The applicant can demonstrate lawful prior professional forestry practice in another jurisdiction.

An applicant under this paragraph must complete the 48 months of experience within 6 calendar years prior to application.

B. An applicant with a bachelor's degree or higher shall demonstrate 24 months of forestry experience as an intern forester or as provided in this paragraph pursuant to rules adopted by the board. An applicant with a bachelor's degree or higher may earn up to 12 months of forestry experience toward the 24-month requirement prior to the issuance of an intern forester license if:

(1) The forestry experience is obtained after the applicant has completed the junior year of the bachelor's degree program and prior to graduation and is under the supervision of a forester registered with the board pursuant to subsection 10, paragraph B; or

(2) The applicant can demonstrate lawful prior professional forestry practice in another jurisdiction.

An applicant under this paragraph must complete the 24 months of experience within 6 calendar years prior to application.

Sec. 3. 32 MRSA §5515, sub-§§4 and 5, as enacted by PL 2001, c. 261, §4, are amended to read:

4. Recommendation. The applicant shall submit ~~references from 3 foresters familiar with the applicant's forestry practice. At least one of the references must be a reference~~ from the sponsor, unless the sponsor is unavailable as a reference through no fault of the applicant. An applicant exempted under subsection 5 shall submit ~~references~~ a reference from ~~3 a~~ forestry ~~professionals~~ professional familiar with the applicant's forestry practice.

5. Exemption to internship; professional practice in another jurisdiction. Notwithstanding subsection 3, the board may waive the internship requirement, as set forth in subsection 3, for an applicant who has at least 24 months of lawful prior professional forestry practice in another jurisdiction within the 6-year period prior to application, ~~as long as the practice is determined by the board to be substantially equiva-~~