

# 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**  
**FIRST SPECIAL SESSION**  
**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.**

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**Augusta, Maine**  
**2014**

**Sec. 14. 9 MRSA §5008-B**, as enacted by PL 2013, c. 313, §17, is amended to read:

**§5008-B. Annual fund-raising activity reports to be filed by professional solicitors**

**1. Content of report.** A professional solicitor ~~or professional fund-raising counsel~~ licensed pursuant to section 5008-A shall submit to the director an annual fund-raising activity report that reflects data from the licensee's preceding fiscal year, on a form prescribed by the director, as part of its application for license renewal. The report must state, at a minimum, the following:

- A. The name, mailing address, telephone number and license number of the licensee making the report;
- B. The name, mailing address, telephone number and license number of each charitable organization with which the licensee contracted to solicit contributions in this State ~~or to plan, manage, advise or provide consultation services with respect to the solicitation of contributions in this State;~~
- C. The total dollar amount of contributions raised in this State during each fund-raising campaign and for the year;
- D. The total dollar amount of contributions raised in this State that was actually received and retained by the charitable organization from each fund-raising campaign and for the year; and
- E. The total dollar amount attributable to contributions raised in this State that was retained by or paid to the licensee from each fund-raising campaign and for the year.

**2. Failure to file; discrepancies.** Failure to file the annual fund-raising activity report required under this section or filing a report that contains discrepancies between that report and the report submitted by the charitable organization with which the professional solicitor ~~or professional fund-raising counsel~~ has contracted may result in disciplinary action as provided under Title 10, section 8003, subsection 5-A. To resolve a disagreement between reports, the director may require the professional solicitor ~~or professional fund-raising counsel~~ to submit an annual fund-raising activity report according to a fiscal year other than the professional solicitor's ~~or professional fund-raising counsel's~~ fiscal year.

**3. Contracting with unlicensed charitable organization.** A person may not contract with an unlicensed charitable organization for the solicitation of funds from the State's residents. A violation of this subsection may result in disciplinary action as provided under Title 10, section 8003, subsection 5-A.

**Sec. 15. 9 MRSA §5009**, as repealed and replaced by PL 2013, c. 313, §18, is amended to read:

**§5009. Retention of contracts**

All contracts entered into between a professional solicitor ~~or professional fund-raising counsel~~ and a charitable organization, ~~whether or not the organization is exempted under section 5006~~, must be in writing.

Contracts must be kept on file in the offices of the charitable organization and the professional solicitor ~~or professional fund-raising counsel~~ during the term of the contract and for 3 years after the date of solicitation of contributions provided for in the contract and must be made available for inspection by or production to the Attorney General or the director during that time.

See title page for effective date.

**CHAPTER 540**

**S.P. 701 - L.D. 1766**

**An Act To Clarify and Update  
a Nurse's Authority To  
Administer Medication**

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

**Sec. 1. 32 MRSA §2102, sub-§2, ¶A**, as amended by PL 1993, c. 600, Pt. A, §110, is further amended to read:

A. Diagnosis and treatment of human responses to actual or potential physical and emotional health problems through such services as case finding, health teaching, health counseling and provision of care supportive to or restorative of life and well-being and execution of the medical regimen as prescribed by a ~~licensed physician, podiatrist or dentist~~ legally authorized licensed professional acting within the scope of the licensed professional's authority to prescribe medications, substances or devices or otherwise legally authorized individual acting under the delegated authority of a ~~physician, podiatrist or dentist~~ legally authorized licensed professional acting within the scope of the licensed professional's authority to prescribe medications, substances or devices:

- (1) "Diagnosis" in the context of nursing practice means that identification of and discrimination between physical and psychosocial signs and symptoms essential to effective execution and management of the nursing regimen. This diagnostic privilege is distinct from medical diagnosis;
- (2) "Human responses" means those signs, symptoms and processes that denote the indi-

vidual's health needs or reaction to an actual or potential health problem; and

(3) "Treatment" means selection and performance of those therapeutic measures essential to the effective management and execution of the nursing regimen;

**Sec. 2. Effective date.** This Act takes effect January 1, 2015.

Effective January 1, 2015.

**CHAPTER 541**

**H.P. 1193 - L.D. 1621**

**An Act To Include Natural Gas Expansion in the State Energy Plan**

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

**Sec. 1. 2 MRSA §9, sub-§3, ¶C,** as amended by PL 2013, c. 415, §2, is further amended to read:

C. In consultation with the Efficiency Maine Trust Board, established in Title 5, section 12004-G, subsection 10-C, prepare and submit a comprehensive state energy plan to the Governor and the Legislature by January 15, 2009 and submit an updated plan every 2 years thereafter. Within the comprehensive state energy plan, the director shall identify opportunities to lower the total cost of energy to consumers in this State and transmission capacity and infrastructure needs and recommend appropriate actions to lower the total cost of energy to consumers in this State and facilitate the development and integration of new renewable energy generation within the State and support the State's renewable resource portfolio requirements specified in Title 35-A, section 3210 and wind energy development goals specified in Title 35-A, section 3404. The comprehensive state energy plan must include a section that specifies the State's progress in meeting the oil dependence reduction targets in subsection 5. The office shall make recommendations, if needed, for additional legislative and administrative actions to ensure that the State can meet the reduction targets in subsection 5. The recommendations must include a cost and resource estimate for technology development needed to meet the reduction targets.

(1) Beginning in 2015, the update to the plan must:

(a) Be submitted to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters and the joint standing committee of

the Legislature having jurisdiction over natural resources matters;

(b) Address the association between energy planning and meeting the greenhouse gas reduction goals in the state climate action plan pursuant to Title 38, section 577. The director shall consult with the Department of Environmental Protection in developing this portion of the plan;

(c) Include a section devoted to wind energy development, including:

(i) The State's progress toward meeting the wind energy development goals established in Title 35-A, section 3404, subsection 2, including an assessment of the likelihood of achieving the goals and any recommended changes to the goals;

(ii) Examination of the permitting process and any recommended changes to the permitting process;

(iii) Identified successes in implementing the recommendations contained in the February 2008 final report of the Governor's Task Force on Wind Power Development created by executive order issued May 8, 2007;

(iv) A summary of tangible benefits provided by expedited wind energy developments, including, but not limited to, documentation of community benefits packages and community benefit agreement payments provided;

(v) A review of the community benefits package requirement under Title 35-A, section 3454, subsection 2, the actual amount of negotiated community benefits packages relative to the statutorily required minimum amount and any recommended changes to community benefits package policies;

(vi) Projections of wind energy developers' plans, as well as technology trends and their state policy implications;

(vii) Recommendations, including, but not limited to, identification of places within the State's unorganized and deorganized areas for inclusion in the expedited permitting area established pursuant to Title 35-A,