

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

SECOND REGULAR SESSION
January 6, 2016 to April 29, 2016

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 29, 2016

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

Augusta, Maine
2016

clinically indicated if the officer or firefighter has received medical training in accordance with protocols adopted by the Medical Direction and Practices Board established in Title 32, section 83, subsection 16-B. The Medical Direction and Practices Board shall establish medical training protocols for law enforcement officers and municipal firefighters pursuant to this subsection.

Sec. 4. 22 MRSA §2353, sub-§5 is enacted to read:

5. Immunity. The following provisions provide immunity for actions taken in accordance with this section.

A. A health care professional or a pharmacist, acting in good faith and with reasonable care, is immune from criminal and civil liability and is not subject to professional disciplinary action for storing, dispensing or prescribing naloxone hydrochloride in accordance with this section or for any outcome resulting from such actions.

B. A person, acting in good faith and with reasonable care, is immune from criminal and civil liability and is not subject to professional disciplinary action for possessing or providing to another person naloxone hydrochloride in accordance with this section or for administering naloxone hydrochloride in accordance with this section to an individual whom the person believes in good faith is experiencing an opioid-related drug overdose or for any outcome resulting from such actions.

Sec. 5. 32 MRSA c. 117, sub-c. 11-A is enacted to read:

SUBCHAPTER 11-A
DISPENSING OF NALOXONE
HYDROCHLORIDE

§13815. Authorization

The board by rule shall establish procedures and standards for authorizing pharmacists to dispense naloxone hydrochloride. The rules must establish adequate training requirements and protocols for dispensing naloxone hydrochloride by prescription drug order or standing order or pursuant to a collaborative practice agreement. Rules adopted under this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. A pharmacist authorized by the board pursuant to this section to dispense naloxone hydrochloride may dispense naloxone hydrochloride in accordance with Title 22, section 2353.

Sec. 6. Adoption of rules. The Maine Board of Pharmacy shall adopt rules pursuant to the Maine Revised Statutes, Title 32, section 13815 no later than July 1, 2017.

See title page for effective date.

CHAPTER 509
S.P. 601 - L.D. 1540

**An Act To Protect All Students
in Elementary or Secondary
Schools from Sexual Assault by
School Officials**

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

Sec. 1. 17-A MRSA §253, sub-§2, ¶F, as amended by PL 2001, c. 383, §15 and affected by §156, is amended to read:

F. The other person, not the actor's spouse, ~~has not in fact attained the age of 18 years and~~ is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor is a teacher, employee or other official having instructional, supervisory or disciplinary authority over the student. Violation of this paragraph is a Class C crime;

Sec. 2. 17-A MRSA §255-A, sub-§1, ¶¶K and L, as enacted by PL 2001, c. 383, §23 and affected by §156, are amended to read:

K. The other person, not the actor's spouse, is ~~in fact less than 18 years of age and~~ is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor is a teacher, employee or other official having instructional, supervisory or disciplinary authority over the student. Violation of this paragraph is a Class D crime;

L. The other person, not the actor's spouse, is ~~in fact less than 18 years of age and~~ is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor is a teacher, employee or other official having instructional, supervisory or disciplinary authority over the student and the sexual contact includes penetration. Violation of this paragraph is a Class C crime;

Sec. 3. 17-A MRSA §260, sub-§1, ¶F, as enacted by PL 2003, c. 138, §5, is amended to read:

F. The other person, not the actor's spouse, is ~~in fact less than 18 years of age and~~ is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor is a teacher, employee or other official having instructional, supervisory or disciplinary authority over the student. Violation of this paragraph is a Class D crime;

Sec. 4. 19-A MRSA §1653, sub-§6-A, as amended by PL 2011, c. 597, §4, is further amended to read:

6-A. Custody and contact limited; convictions for sexual offenses. The award of primary residence and parent-child contact with a person who has been convicted of a child-related sexual offense is governed by this subsection.

A. For the purposes of this section, "child-related sexual offense" means the following sexual offenses if, at the time of the commission of the offense, the victim was under 18 years of age or the victim was a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the person was a teacher, employee or other official having instructional, supervisory or disciplinary authority over the student:

- (1) Sexual exploitation of a minor, under Title 17-A, section 282;
- (2) Gross sexual assault, under Title 17-A, section 253;
- (3) Sexual abuse of a minor, under Title 17-A, section 254;
- (4) Unlawful sexual contact, under Title 17-A, section 255-A or former section 255;
- (5) Visual sexual aggression against a child, under Title 17-A, section 256;
- (6) Sexual misconduct with a child under 14 years of age, under Title 17-A, section 258;
- (6-A) Solicitation of a child to commit a prohibited act, under Title 17-A, section 259-A; or
- (7) An offense in another jurisdiction that involves conduct that is substantially similar to that contained in subparagraph (1), (2), (3), (4), (5), (6) or (6-A). For purposes of this subparagraph, "another jurisdiction" means the Federal Government, the United States military, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa and each of the several states except Maine. "Another jurisdiction" also means the Passamaquoddy Tribe when that tribe has acted pursuant to Title 30, section 6209-A, subsection 1, paragraph A or B and the Penobscot Nation when that tribe has acted pursuant to Title 30, section 6209-B, subsection 1, paragraph A or B.

B. A court may award primary residence of a minor child or parent-child contact with a minor child to a parent who has been convicted of a child-related sexual offense only if the court finds that contact between the parent and child is in the

best interest of the child and that adequate provision for the safety of the child can be made.

C. In an order of parental rights and responsibilities, a court may require that parent-child contact between a minor child and a person convicted of a child-related sexual offense may occur only if there is another person or agency present to supervise the contact. If the court allows a family or household member to supervise parent-child contact, the court shall establish conditions to be followed during that contact. Conditions include, but are not limited to, those that:

- (1) Minimize circumstances when the family of the parent who is a sex offender or sexually violent predator would be supervising visits;
- (2) Ensure that contact does not damage the relationship with the parent with whom the child has primary physical residence;
- (3) Ensure the safety and well-being of the child; and
- (4) Require that supervision be provided by a person who is physically and mentally capable of supervising a visit and who does not have a criminal history or history of abuse or neglect.

See title page for effective date.

CHAPTER 510

H.P. 1046 - L.D. 1521

An Act To Create Equity among Essential Nonprofit Health Care Providers in Relation to the Sales Tax and the Service Provider Tax

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

Sec. 1. 36 MRSA §1760, sub-§16, ¶F, as enacted by PL 2005, c. 622, §6, is amended to read:

F. Incorporated nonprofit rural community health centers and incorporated nonprofit federally qualified health centers. For the purposes of this paragraph, "federally qualified health center" means a health center that is qualified to receive funding under Section 330 of the federal Public Health Service Act, 42 United States Code, Section 254b and a so-called federally qualified health center look-alike that meets the requirements of Section 254b;

Sec. 2. 36 MRSA §2557, sub-§3, ¶F, as enacted by PL 2005, c. 622, §10, is amended to read: