

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 2016 to August 2, 2017

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
NOVEMBER 1, 2017

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

Augusta, Maine
2017

Requirements	\$26,702,736
Less Revenue Deductions:	
General Revenue	
State Revenue Sharing	\$80,000
Homestead	100,000
Reimbursement	
Miscellaneous Revenues	10,000
Transfer from unassigned fund balance	900,000
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TOTAL GENERAL REVENUE DEDUCTIONS	\$1,090,000
Educational Revenue	
Land Reserved Trust	\$70,000
Tuition/Travel	110,768
United States Forestry	15,000
Payment in Lieu of Taxes	
Special - Teacher Retirement	230,000
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TOTAL EDUCATION REVENUE DEDUCTIONS	\$425,768
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TOTAL REVENUE DEDUCTIONS	\$1,515,768
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TAX ASSESSMENT BEFORE COUNTY TAXES and OVERLAY (Title 36 §1602)	\$25,186,968

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

Effective June 2, 2017.

**CHAPTER 122
H.P. 206 - L.D. 273**

An Act To Add an Exception to Prescription Monitoring Program Requirements

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

Sec. 1. 22 MRSA §7253, sub-§3, as enacted by PL 2015, c. 488, §9, is repealed and the following enacted in its place:

3. Exceptions. The requirements to check prescription monitoring information established in this section do not apply:

A. When a licensed or certified health care professional directly orders or administers a benzodiazepine or opioid medication to a person in an emergency room setting, an inpatient hospital setting, a long-term care facility or a residential care facility; or

B. When a licensed or certified health care professional directly orders, prescribes or administers a benzodiazepine or opioid medication to a person suffering from pain associated with end-of-life or hospice care.

See title page for effective date.

**CHAPTER 123
S.P. 194 - L.D. 579**

An Act Regarding Transfers of Liquor between Licensed Manufacturers' Facilities

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

Sec. 1. 28-A MRSA §1355-A, sub-§2, ¶K is enacted to read:

K. For the purposes of selling liquor for on-premises and off-premises consumption, a licensee who operates more than one facility licensed for the manufacture of liquor under this section may:

(1) Transfer product produced by the licensee in bulk or packaged in kegs, bottles or cans, including by the case, at one facility licensed for the manufacture of liquor to another facility at which the licensee is licensed to manufacture liquor or to any location where the licensee:

(a) Serves samples of the manufacturer's product in accordance with subsection 2, paragraphs E and F; and

(b) Is authorized under this section to sell the manufacturer's product to nonlicensees for off-premises consumption; and

(2) Transfer product produced by the licensee in bulk or packaged in kegs, bottles or cans, including by the case, from a facility at which the licensee is licensed to manufacture liquor to any establishment licensed for on-premises consumption under chapter 43 operated by the licensee as authorized under paragraph I.

If the same person or persons hold a majority ownership interest of greater than 50% in more than one facility licensed for the manufacture of liquor under this section, the person or persons is considered one licensee for the purpose of transferring liquor as authorized by this paragraph.

See title page for effective date.

CHAPTER 124

S.P. 221 - L.D. 659

An Act To Amend the Maine Guaranteed Access Reinsurance Association Act

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

Sec. 1. 24-A MRSA §3953, sub-§1, as amended by PL 2015, c. 404, §1, is further amended to read:

1. Guaranteed access reinsurance mechanism established. The Maine Guaranteed Access Reinsurance Association is established as a nonprofit legal entity. As a condition of doing business in the State, an insurer that has issued or administered medical insurance within the previous 12 months or is actively marketing a medical insurance policy or medical insurance administrative services in this State must participate in the association. The Dirigo Health Program established in chapter 87 and any other state-sponsored health benefit program shall also participate in the association. ~~Except as provided in section 3962~~ Unless an earlier resumption of operations is ordered by the superintendent in accordance with paragraph A, operations of the association are suspended until December 31, 2023 except to the extent provided in section 3962 and the association may not collect assessments as provided in section 3957, provide reinsurance for member insurers under section 3958 or provide reimbursement for member insurers under section

3961 as of the date on which a transitional reinsurance program established under the authority of Section 1341 of the federal Affordable Care Act commences operations in this State ~~until December 31, 2017.~~

A. If the board proposes a revised plan of operation that calls for the resumption of operations earlier than December 31, 2023 and the superintendent determines that the revised plan is likely to provide significant benefit to the State's health insurance market, the superintendent may order the association to resume operations in accordance with the revised plan. This paragraph applies only if:

(1) An innovation waiver under Section 1332 of the federal Affordable Care Act as contemplated by paragraphs B and C is granted; or

(2) The federal Affordable Care Act is repealed or amended in a manner that makes the granting of an innovation waiver unnecessary or inapplicable.

B. After consulting with the board and receiving public comment, the superintendent may develop a proposal for an innovation waiver under Section 1332 of the federal Affordable Care Act that facilitates the resumption of operations of the association in a manner that prevents or minimizes the loss of federal funding to support the affordability of health insurance in the State.

C. With the approval of the Governor, the superintendent may submit an application on behalf of the State in accordance with the proposal developed under paragraph B for the purposes of resuming operations of the association to the United States Department of Health and Human Services and to the United States Secretary of the Treasury to waive certain provisions of the federal Affordable Care Act as provided in Section 1332. The superintendent may implement any federally approved waiver.

See title page for effective date.

CHAPTER 125

H.P. 721 - L.D. 1019

An Act To Establish a 6-day Nonresident Archery License

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

Sec. 1. 12 MRSA §11109, sub-§7, as amended by PL 2015, c. 245, §3, is further amended to read: