

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

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2017

(7) One copy, or more as determined necessary by the clerk, of the citizen's guide to the referendum election prepared under section 605-A. The clerk shall post, in a conspicuous and public area, a notification indicating that the citizen's guide provides helpful information regarding referendum questions on the ballot and where the guide is located in the voting place for voters to read; and

(8) One copy of the Office of Fiscal and Program Review's estimate of the fiscal impact prepared under Title 1, section 353.

See title page for effective date.

CHAPTER 247

H.P. 469 - L.D. 678

An Act To Protect Students from Identity Theft

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

Sec. 1. 20-A MRSA §6001-C is enacted to read:

§6001-C. Student social security numbers; collection and deletion

1. Collection of social security number. If a school administrative unit, a public school within a school administrative unit or a private school requests a student's social security number, the unit or school shall inform the parent or legal guardian of that student or the student if the student is 18 years of age or older for what purpose the social security number will be used and provide the parent, legal guardian or student if the student is 18 years of age or older the opportunity to opt out of providing the social security number.

2. Deletion of social security number. A school administrative unit, a public school within a school administrative unit or a private school that collects a student's social security number shall delete the student's social security number from the student's records once the student is no longer enrolled in the school administrative unit, the public school within a school administrative unit or private school.

See title page for effective date.

CHAPTER 248

S.P. 471 - L.D. 1384

An Act To Amend the Election Laws

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

Sec. 1. 21-A MRSA §144, first ¶, as amended by PL 2001, c. 310, §7, is further amended to read:

A voter may change the voter's enrollment ~~anytime~~ after 3 months from the date on which the voter enrolled by filing an application with the registrar personally, by mail or otherwise. When a voter files an application to change enrollment on the day of a primary election, the application is deemed received the following business day.

Sec. 2. 21-A MRSA §144, sub-§1, as amended by PL 2005, c. 453, §26, is further amended to read:

1. Content of application. The application must contain the following information: Name of applicant, the date of birth, residence address, ~~voting district, name of party in which enrolled,~~ name of party in which enrollment is requested, signature of the applicant and the date of application.

Sec. 3. 21-A MRSA §145, first ¶, as enacted by PL 1985, c. 161, §6, is amended to read:

A voter may withdraw ~~his~~ the voter's enrollment ~~anytime~~ after 3 months from the date on which ~~he~~ the voter enrolled by filing a written request with the registrar. When a voter files an application to withdraw enrollment on the day of a primary election, the application is deemed received the following business day.

Sec. 4. 21-A MRSA §311, sub-§1, as amended by PL 2005, c. 387, §3, is further amended to read:

1. Call. The caucus may be called by the chair or a majority of the members of the municipal committee of a political party. If the municipal committee fails to call a caucus, the county committee may call the caucus. At the request of that committee municipal officers shall provide available space in a public building for a caucus. The municipality may charge a rental fee or janitorial service fee for the available space. A municipality may hold its caucus outside the municipality if several municipalities elect to meet on a consolidated basis or if the committee calling the caucus determines that a facility outside the municipality is more suitable.

Sec. 5. 21-A MRSA §723, sub-§1, ¶A, as amended by PL 2009, c. 253, §38, is further amended to read:

A. A write-in candidate who complies with ~~either section 722-A or section 737-A, subsection 2-A~~ and who fulfills the other qualifications under section 334, may be nominated at the primary election if that person receives a number of valid write-in votes equal to at least twice the minimum number of signatures required under section 335, subsection 5; on a primary petition for a candidate for that office.

Sec. 6. 21-A MRSA §723, sub-§2, as amended by PL 2009, c. 253, §39, is further amended to read:

2. Other elections. In any other election, the person who receives a plurality of the votes cast for election to any office, as long as there is at least one vote cast for that office, is elected to that office, except that a write-in candidate must also comply with ~~either section 722-A or section 737-A, subsection 2-A~~.

Sec. 7. 21-A MRSA §753-B, sub-§5, as amended by PL 2011, c. 534, §20, is further amended to read:

5. Alternate method of balloting by residents of certain licensed facilities. The municipal clerk shall designate one ~~or more times~~ time during the 30-day period prior to an election during which the municipal clerk shall be present in each licensed nursing home subject to the provisions of Title 22, chapter 405; licensed level IV residential care facility subject to the provisions of Title 22, chapter 1664; and licensed assisted housing living program with more than 6 beds subject to the provisions of Title 22, chapter 1664, in the municipality for the purpose of conducting absentee voting by residents of these facilities. ~~The licensed residential care facilities or assisted housing programs referred to in this subsection are those that are licensed to have 6 or more beds.~~ The clerk shall designate which areas in these facilities constitute the voting place, the voting booth and the guard-rail enclosure. Sections 681 and 682 apply to voting in these facilities within the areas designated by the clerk. As used in this subsection, "level IV residential care facility" means a residential care facility as defined by Title 22, section 7852, subsection 14 that has a licensed capacity of more than 6 residents.

Sec. 8. 30-A MRSA §757, sub-§2, ¶A, as repealed and replaced by PL 2013, c. 481, §2, is amended to read:

A. District 1 consists of Isle au Haut, Matinicus Isle Plantation, North Haven, St. George ~~and~~ Friendship ~~and the unorganized territory of Crie-haven~~ and elects one member. The initial term for District 1 expires on December 31, 2016.

Sec. 9. 30-A MRSA §2528, sub-§4, ¶C, as amended by PL 1993, c. 608, §6, is further amended to read:

C. Completed nomination papers or certificates of political caucus nomination must be filed with the clerk during business hours by the ~~45th~~ 60th day prior to election day. They must be accompanied by the written consent of the person proposed as a candidate agreeing:

- (1) To accept the nomination if nominated;
- (2) Not to withdraw; and
- (3) If elected at the municipal election, to qualify as such municipal officer.

When these papers and certificates are filed, the clerk shall make them available to public inspection under proper protective regulations. The clerk shall keep them in the office for 6 months.

See title page for effective date.

CHAPTER 249

H.P. 1098 - L.D. 1594

An Act Regarding the Dispensing of Naloxone Hydrochloride by Pharmacists

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the State is facing a crisis due to the rapidly increasing number of opioid-related drug overdose deaths; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 22 MRSA §2353, sub-§2, ¶¶A-2 and C-2 are enacted to read:

A-2. Until July 1, 2019, a pharmacist may prescribe and dispense naloxone hydrochloride in accordance with protocols established under Title 32, section 13815 to an individual at risk of experiencing an opioid-related drug overdose.

C-2. Until July 1, 2019, a pharmacist may prescribe and dispense naloxone hydrochloride in accordance with protocols established under Title 32, section 13815 to a member of an individual's immediate family or a friend of the individual or to another person in a position to assist the indi-