

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

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-

vidual if the individual is at risk of experiencing an opioid-related drug overdose.

Sec. 2. 32 MRSA §13815, as enacted by PL 2015, c. 508, §5, is repealed and the following enacted in its place:

§13815. Authorization

1. Rules for dispensing naloxone hydrochloride. The board by rule shall establish procedures and standards for authorizing pharmacists to dispense naloxone hydrochloride in accordance with Title 22, section 2353. 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 subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. A pharmacist authorized by the board pursuant to this subsection to dispense naloxone hydrochloride may dispense naloxone hydrochloride in accordance with Title 22, section 2353.

2. Rules for prescribing and dispensing naloxone hydrochloride. The board by rule shall establish standards for authorizing pharmacists to prescribe and dispense naloxone hydrochloride in accordance with Title 22, section 2353, subsection 2, paragraphs A-2 and C-2. The rules must establish adequate training requirements and protocols for prescribing and dispensing naloxone hydrochloride when there is no prescription drug order, standing order or collaborative practice agreement authorizing naloxone hydrochloride to be dispensed to the intended recipient. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. A pharmacist authorized by the board pursuant to this subsection to prescribe and dispense naloxone hydrochloride may prescribe and dispense naloxone hydrochloride in accordance with Title 22, section 2353, paragraphs A-2 and C-2.

This subsection is repealed July 1, 2019.

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

Effective June 24, 2017.

CHAPTER 250

H.P. 219 - L.D. 286

An Act To Promote and Encourage the Sustainability of the Elver Fishery

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

Sec. 1. 12 MRSA §6404-H, as amended by PL 2013, c. 49, §4, is further amended to read:

§6404-H. Suspension or revocation based on conviction of an elver fishing license offense

The commissioner shall suspend or revoke a person's eligibility for the elver ~~lotteries~~ lottery under section 6505-A, subsection ~~2-B~~ 2-C if the person is convicted of an offense in violation of section 6505-A, subsection 1.

1. First offense. For a first offense, the commissioner shall suspend the person's eligibility for the elver ~~lotteries~~ lottery under section 6505-A, subsection ~~2-B~~ 2-C for one year.

2. Second offense. For a 2nd offense, the commissioner shall permanently revoke the person's eligibility for the elver ~~lotteries~~ lottery under section 6505-A, subsection ~~2-B~~ 2-C.

Sec. 2. 12 MRSA §6505-A, sub-§1-C, as amended by PL 2013, c. 485, §6, is further amended to read:

1-C. Elver transaction card issued. The department may issue an elver transaction card to each license holder under this section and to each license holder under section 6302-A, subsection 3, paragraphs E, E-1, F and G in accordance with section 6302-B. The department may charge each license holder an annual fee for the elver transaction card that may not exceed \$35. Fees collected under this subsection must be deposited in the Eel and Elver Management Fund under section 6505-D. The license holder shall use the elver transaction card to meet electronic reporting requirements established by rule pursuant to section 6173. The elver transaction card must include the license holder's name and license number.

Sec. 3. 12 MRSA §6505-A, sub-§1-F is enacted to read:

1-F. Licenses issued. The commissioner may issue up to 425 elver fishing licenses each year under this section.

Sec. 4. 12 MRSA §6505-A, sub-§2, ¶F, as enacted by PL 2011, c. 549, §3, is amended to read:

F. Becomes eligible to obtain an elver fishing license pursuant to the elver ~~lotteries~~ lottery under subsection ~~2-B~~ 2-C.

Sec. 5. 12 MRSA §6505-A, sub-§2-B, as amended by PL 2013, c. 301, §9, is repealed.

Sec. 6. 12 MRSA §6505-A, sub-§2-C is enacted to read:

2-C. Elver license lottery. The commissioner shall establish an elver fishing license lottery under which a person may become eligible for that license under subsection 2, paragraph F. An applicant to the lottery must submit a lottery application together with