

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

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Sec. 2. 32 MRSA §13815, as enacted by PL 2015, c. 508, §5, is repealed and the following enacted in its place: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This subsection is repealed July 1, 2019.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

a \$35 nonrefundable application fee no later than January 15th of the same calendar year as the lottery. An applicant may not submit more than 5 elver fishing license lottery applications per lottery year. In any year in which a lottery is held, the lottery must be held on or before February 15th.

The commissioner may adopt rules to implement the elver fishing license lottery, including provisions for the method and administration of the lottery. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Twenty-five dollars of the application fee collected under this subsection must be deposited in the Eel and Elver Management Fund established in section 6505-D and used to fund a life-cycle study of the elver fishery. Ten dollars of the application fee may be used by the department to fund the costs of administering the elver fishing license lottery.

Sec. 7. 12 MRSA §6505-A, sub-§4, as amended by PL 2013, c. 468, §25, is further amended to read:

- 4. Fees.** Fees for elver fishing licenses are:
 - A. For a person who is a resident, ~~\$105~~ **\$205**;
 - B. For a person who is a nonresident, ~~\$442~~ **\$542**;
 - C. For a person who is a resident with crew, ~~\$305~~ **\$405**; and
 - D. For a person who is a nonresident with crew, ~~\$1,326~~ **\$1,426**.

~~Fifty~~ **One hundred and fifty** dollars of each license fee collected under paragraphs A and B and ~~\$200~~ **\$300** of each license fee collected under paragraphs C and D accrue to the Eel and Elver Management Fund established in section 6505-D.

Sec. 8. 12 MRSA §6575-J, as enacted by PL 2013, c. 301, §13, is amended to read:

§6575-J. Seizure of illegally harvested elvers

In addition to any other penalty imposed, elvers that are purchased or possessed that were taken in violation of any law or rule pertaining to elvers are subject to seizure by any officer authorized to enforce this Part. The entire bulk pile containing illegally harvested elvers may be seized. For the purposes of this section, "bulk pile" means all elvers in the possession of a holder of an elver fishing license, an elver dealer's license or an elver exporter's license who fished for, took, possesses or bought elvers in violation of any law or rule regulating elvers under this Part.

Sec. 9. Appropriations and allocations. The following appropriations and allocations are made.

MARINE RESOURCES, DEPARTMENT OF

Bureau of Marine Science 0027

Initiative: Provides allocations to the Eel and Elver Management Fund to reflect increased revenue from proceeds of the reinstated lottery for elver licenses, an increased license surcharge and an increased swipe card fee.

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
All Other	\$152,500	\$152,500
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$152,500	\$152,500

Bureau of Policy and Management 0258

Initiative: Provides allocations for administrative costs funded by an increase in revenue from proceeds of the reinstated lottery for elver fishing licenses.

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
All Other	\$40,000	\$40,000
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$40,000	\$40,000

MARINE RESOURCES, DEPARTMENT OF DEPARTMENT TOTALS	2017-18	2018-19
OTHER SPECIAL REVENUE FUNDS	\$192,500	\$192,500
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DEPARTMENT TOTAL - ALL FUNDS	\$192,500	\$192,500

See title page for effective date.

CHAPTER 251

H.P. 377 - L.D. 533

An Act To Clarify the Application of the Statute of Limitations under Article 3-A of the Uniform Commercial Code

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

Sec. 1. 14 MRSA §751, as amended by PL 1965, c. 306, §30, is further amended to read: