

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

office, shall approve the following for each tax expenditure subject to full evaluation ~~review in that year~~:

- (1) The purposes, intent or goals of the tax expenditure, as informed by original legislative intent as well as subsequent legislative and policy developments and changes in the state economy and fiscal condition;
- (2) The intended beneficiaries of the tax expenditure;
- (3) The evaluation objectives, which may include an assessment of:
 - (a) The fiscal impact of the tax expenditure, including past and estimated future impacts;
 - (b) The extent to which the design of the tax expenditure is effective in accomplishing the tax expenditure's purposes, intent or goals and consistent with best practices;
 - (c) The extent to which the tax expenditure is achieving its purposes, intent or goals, taking into consideration the economic context, market conditions and indirect benefits;
 - (d) The extent to which those actually benefiting from the tax expenditure are the intended beneficiaries;
 - (e) The extent to which it is likely that the desired behavior might have occurred without the tax expenditure, taking into consideration similar tax expenditures offered by other states;
 - (f) The extent to which the State's administration of the tax expenditure, including enforcement efforts, is efficient and effective;
 - (g) The extent to which there are other state or federal tax expenditures, direct expenditures or other programs that have similar purposes, intent or goals as the tax expenditure, and the extent to which such similar initiatives are coordinated, complementary or duplicative;
 - (h) The extent to which the tax expenditure is a cost-effective use of resources compared to other options for using the same resources or addressing the same purposes, intent or goals; and
 - (i) Any opportunities to improve the effectiveness of the tax expenditure in meeting its purposes, intent or goals; and

(4) The performance measures appropriate for analyzing the evaluation objectives. Performance measures must be clear and relevant to the specific tax expenditure and the approved evaluation objectives.

Sec. 3. 3 MRSA §999, sub-§§2 and 3, as enacted by PL 2015, c. 344, §4, are amended to read:

2. Action by office; report. ~~By December 31st of each year, beginning in 2016, the~~ The office shall complete the tax expenditure evaluations pursuant to subsection 1 scheduled for that year and submit a report on the results of each evaluation to the committee and the policy committee. The office shall seek stakeholder input as part of the report. For each tax expenditure evaluated, the report must include conclusions regarding the extent to which the tax expenditure is meeting its purposes, intent or goals and may include recommendations for continuation or repeal of the tax expenditure or modification of the tax expenditure to improve its performance.

3. Action by committee. The committee shall review the report submitted by the office under subsection 2, assess the report's objectivity and credibility and vote whether to endorse the report. ~~By June 1st of each year, beginning in 2017, the~~ The committee shall submit a record of the vote on the report any reports submitted by the office and any comments of or actions recommended by the committee to the policy committee for its review and consideration.

See title page for effective date.

CHAPTER 267

H.P. 639 - L.D. 911

An Act To Prohibit Certain Gifts to Health Care Practitioners

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

Sec. 1. 32 MRSA §13759 is enacted to read:

§13759. Gifts to practitioners prohibited

1. Prohibition. Except as provided in subsection 2, a manufacturer or wholesaler licensed under section 13758 or an agent of a manufacturer or wholesaler licensed under section 13758 may not offer or give the following to a practitioner:

A. A cash gift in any amount; or

B. A gift for which reciprocity is expected or implied.

2. Exceptions. A manufacturer or wholesaler licensed under section 13758 does not violate subsection 1 by engaging in the following activities:

A. Giving noncash items of minimal value that will directly benefit the practitioner's patients, including:

- (1) Prescription drug samples for distribution to patients;
- (2) Educational materials; and
- (3) Modest meals and refreshments, as defined by the board by rule pursuant to section 13720, provided to a practitioner in connection with a meeting or presentation about the benefits, risks and appropriate uses of prescription drugs or medical devices, disease states or other scientific information, as long as the meeting or presentation occurs in a venue and manner conducive to informational communication;

B. Giving funding to academic institutions and residency and fellowship programs to support the participation of medical, nursing, physician assistant, veterinarian and pharmacy students, residents and fellows in professional meetings, including educational meetings, as long as the program identifies such funding recipients based on independent institutional criteria and the funds are distributed to recipients without specific attribution to sponsors; or

C. Giving reasonable honoraria to a practitioner and making payment of the reasonable expenses, as defined by the board by rule pursuant to section 13720, of a practitioner at a professional or educational conference or meeting.

Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 268

H.P. 705 - L.D. 1004

An Act To Increase Reporting on Wage and Hour Violations

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

Sec. 1. 26 MRSA §673 is enacted to read:

§673. Report

1. Annual report. The Department of Labor shall provide a written report to the joint standing committee of the Legislature having jurisdiction over labor matters no later than February 15th of each year. The report must include the following specific information regarding complaints received by the department regarding each violation of the wage and hour

laws under this chapter for which the department has taken final action:

- A. Industry;
- B. Fines sought by the department;
- C. Fines collected by the department; and
- D. Length of time between the filing of the complaint and final resolution.

The report must also provide, in regard to violations of the wage and hour laws under this chapter, annual aggregate data on the number of complaints filed, number of resolutions of complaints and total amount of fines collected.

The report required by this subsection need not include information already provided to the committee in another report required by law that is issued to the committee in the same calendar year.

See title page for effective date.

CHAPTER 269

H.P. 929 - L.D. 1335

An Act To Provide Youth Mental Health First Aid Training to Secondary School Health Educators

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

Sec. 1. 20-A MRSA c. 223, sub-c. 10 is enacted to read:

SUBCHAPTER 10

YOUTH MENTAL HEALTH FIRST AID TRAINING

§6671. Youth mental health first aid training

A school administrative unit shall establish a youth mental health first aid training program for health educators in secondary schools in the unit pursuant to this section.

1. Recipients of training. A school administrative unit shall schedule training for and ensure training is provided to health educators in secondary schools in the unit responsible for implementing health education pursuant to section 4723.

2. Providers of training. A school administrative unit shall ensure training is delivered by trainers who are properly certified by a national organization for behavioral health to provide training pursuant to subsection 3.

3. Content of training. The training provided pursuant to this section must be in compliance with a