

# 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.**

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**Augusta, Maine**  
**2017**

D. Requiring the fantasy contest operator to provide information on how to participate and compete in fantasy contests, including an explanation of fantasy contest play and how to identify a highly experienced fantasy contestant;

E. Requiring a system that identifies a highly experienced fantasy contestant by means of a symbol or other identifier easily viewed by fantasy contestants engaged in the fantasy contest on the platform;

F. Prohibiting the use of 3rd-party scripts or 3rd-party scripting programs for any fantasy contest and implementing methods to detect, deter and to the greatest extent possible prevent cheating and improper manipulation of the fantasy contest;

G. Requiring the implementation of a system within the platform by which a fantasy contestant may submit a complaint against the fantasy contest operator and requiring the fantasy contest operator to respond to the complaint within 48 hours;

H. Requiring the maintenance of records of fantasy contestant accounts, which must be made available to the director upon request, for a period of up to 5 years;

I. Requiring the development and offering of fantasy contests limited to beginner fantasy contestants; and

J. Requiring the fantasy contest operator to ensure that winning outcomes reflect the relative knowledge and skill of the fantasy contestant and that winning outcomes are determined primarily by accumulated statistical results of the performance of human competitors in sports events.

**§1107. Violations and penalties**

**1. Violation.** A person, firm, corporation or association or an agent or employee of one of those entities may not violate this chapter or a rule adopted pursuant to this chapter.

**2. Penalty.** For each violation of this chapter or any rule adopted pursuant to this chapter, the director may:

- A. Impose a fine of up to \$1,000 per violation; or
- B. Impose a fine not to exceed \$5,000 for violations arising out of the same transaction or occurrence.

**§1108. Applicability of other laws**

Unless expressly provided in this chapter, the provisions of Title 17, chapter 62 and Title 17-A, chapter 39 do not apply to the conduct of fantasy contests operated in accordance with this chapter and rules adopted pursuant to this chapter.

**Sec. 3. Operation of fantasy contests prior to availability of application for licensure.**

Notwithstanding the Maine Revised Statutes, Title 8, section 1103, subsection 1, a person who offered fantasy contests to persons located in the State prior to the effective date of this Act may continue to offer contests to persons located in the State until 60 days after the date that the director of the Gambling Control Unit within the Department of Public Safety begins accepting applications for a fantasy contest operator license as prescribed by Title 8, chapter 33 and rules adopted in accordance with Title 8, chapter 33.

**Sec. 4. Appropriations and allocations.**

The following appropriations and allocations are made.

**PUBLIC SAFETY, DEPARTMENT OF Gambling Control Board Z002**

Initiative: Provides appropriations for one Information System Security Analyst position and related costs for oversight of fantasy contest gaming.

GENERAL FUND	2017-18	2018-19
POSITIONS - LEGISLATIVE COUNCIL	1.000	1.000
Personal Services	\$95,487	\$98,352
All Other	\$4,442	\$4,442
<b>GENERAL FUND TOTAL</b>	<b>\$99,929</b>	<b>\$102,794</b>

See title page for effective date.

**CHAPTER 304**

**S.P. 178 - L.D. 517**

**An Act To Amend Principles of Reimbursement for Residential Care Facilities**

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

**Sec. 1. 22 MRSA §7863 is enacted to read:**

**§7863. Reimbursement for residential care facilities; room and board costs**

**1. New construction, acquisitions and renovations.** Notwithstanding any other law to the contrary, the department shall permit a capital expenditure by a residential care facility for new construction, an acquisition or a renovation that is less than \$500,000 and shall provide reimbursement to the facility for the capital expenditure without prior approval. The department shall permit a residential care facility to seek and obtain approval for a capital expenditure that exceeds \$500,000. The department shall require that

capital expenditures for energy efficiency improvements, for replacement equipment, for information systems, for communications systems and for parking lots and garages be permitted without prior approval and not be counted toward the determination of the \$500,000 threshold.

**2. Extraordinary circumstance allowance.** A residential care facility that experiences an unforeseen and uncontrollable event during a year that results in unforeseen or uncontrollable increases in expenses may request an adjustment to a prospective rate in the form of an extraordinary circumstance allowance. As used in this subsection, "extraordinary circumstance" includes, but is not limited to, an event of a catastrophic nature, an increase in minimum wage or social security expenses or employee retirement contribution expenses in lieu of social security expenses, a change in the number of licensed beds and a change in licensure or accreditation requirements. If the department concludes that an extraordinary circumstance existed, the department shall make an adjustment in the form of a supplemental allowance. The department shall determine from the nature of the extraordinary circumstance whether the extraordinary circumstance will have a continuing impact and whether the allowance should be included in the computation of the base rate for the succeeding year. Reimbursement to a residential care facility for additional costs arising from an extraordinary circumstance must be paid via a supplemental payment that is added to the per diem reimbursement rate until the department adjusts the direct care price, the routine limit and the personal care services limit, as applicable, to fairly and properly reimburse a facility for these costs.

**3. Regulatory compliance costs.** Costs incurred by a residential care facility to comply with changes in federal or state laws, regulations and rules or local ordinances and not otherwise specified in rules adopted by the department are considered reasonable and necessary costs. Reimbursement for these additional regulatory costs must be paid via a supplemental payment that is added to the per diem rate until the department adjusts the direct care price, the routine limit and the personal care services limit, as applicable, to fairly and properly reimburse facilities for these costs.

**4. Rulemaking.** The department shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

## CHAPTER 305 S.P. 307 - L.D. 952

### An Act To Ensure Access to Opiate Addiction Treatment in Maine

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

**Sec. 1. 32 MRSA §2212** is enacted to read:

#### **§2212. Dispensing opioid medication to patients in opioid treatment programs**

A registered professional nurse and a certified nurse practitioner may dispense opioid medication for substance abuse treatment purposes to patients within an opioid treatment program under the direction of the medical director of the opioid treatment program.

**Sec. 2. 32 MRSA §2258-B** is enacted to read:

#### **§2258-B. Dispensing opioid medication to patients in opioid treatment programs**

A licensed practical nurse may dispense opioid medication for substance abuse treatment purposes to patients within an opioid treatment program under the direction of the medical director of the opioid treatment program.

**Sec. 3. MaineCare reimbursement rates for outpatient opioid treatment.** The Department of Health and Human Services may amend its rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 65, Behavioral Health Services regarding the reimbursement rate paid to outpatient opioid treatment providers to increase the rate from \$60 if the department determines that an increase is justified.

**Sec. 4. Outpatient opioid treatment providers opening days.** The office of substance abuse and mental health services, division of licensing and regulatory services within the Department of Health and Human Services shall amend its rule Chapter 5: Regulations for Licensing and Certifying of Substance Abuse Treatment Programs to permit outpatient opioid treatment providers to remain open 6 days per week rather than 7 days per week.

**Sec. 5. Authority to report out legislation.** The Joint Standing Committee on Health and Human Services may report out a bill to the Second Regular Session of the 128th Legislature directing the Department of Health and Human Services to amend its rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 65, Behavioral Health Services regarding the reimbursement rate paid to outpatient opioid treatment providers in order to increase that rate.

See title page for effective date.