

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

FIRST SPECIAL SESSION
October 23, 2017 to November 6, 2017

SECOND REGULAR SESSION
January 3, 2018 to May 2, 2018

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 5, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 1, 2018

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2018

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

Effective April 4, 2018.

CHAPTER 364

S.P. 183 - L.D. 565

An Act Regarding the Prescribing and Dispensing of Naloxone Hydrochloride by Pharmacists

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

Sec. 1. 22 MRSA §2353, sub-§1, ¶D, as enacted by PL 2015, c. 508, §1, is amended to read:

D. "Pharmacist" means a pharmacist authorized to prescribe and dispense naloxone hydrochloride pursuant to Title 32, section 13815.

Sec. 2. 22 MRSA §2353, sub-§2, ¶A-1, as enacted by PL 2015, c. 508, §2, is amended to read:

A-1. 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.

Sec. 3. 22 MRSA §2353, sub-§2, ¶A-2, as enacted by PL 2017, c. 249, §1, is repealed.

Sec. 4. 22 MRSA §2353, sub-§2, ¶C-1, as enacted by PL 2015, c. 508, §2, is amended to read:

C-1. 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 individual if the individual is at risk of experiencing an opioid-related drug overdose.

Sec. 5. 22 MRSA §2353, sub-§2, ¶C-2, as enacted by PL 2017, c. 249, §1, is repealed.

Sec. 6. 32 MRSA §13815, sub-§1, as enacted by PL 2017, c. 249, §2, is repealed.

Sec. 7. 32 MRSA §13815, sub-§2, as enacted by PL 2017, c. 249, §2, is amended to read:

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~~ A-1 and C-1. 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, subsection 2, paragraphs ~~A-2 and C-2~~ A-1 and C-1.

~~This subsection is repealed July 1, 2019.~~

Sec. 8. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 32, chapter 117, subchapter 11-A, in the subchapter headnote, the words "dispensing of naloxone hydrochloride" are amended to read "prescribing and dispensing of naloxone hydrochloride" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

CHAPTER 365

S.P. 689 - L.D. 1837

An Act To Allow Cash Prizes for Certain Raffles Conducted by Charitable Organizations

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

Whereas, recent changes to the laws governing raffles have hampered the ability of charitable nonprofits and civic organizations to conduct the types of raffles that generate a significant percentage of revenues raised by those organizations in a calendar year; and

Whereas, the law must be amended before the expiration of the 90-day period because charitable nonprofits and civic organizations use raffles to raise funds for their charitable purposes and it is a hardship for those groups to be limited in their fund raising; 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. 17 MRSA §1837-A, sub-§§2 to 4, as enacted by PL 2017, c. 284, Pt. KKKKK, §25, are amended to read:

2. Raffle with a prize of \$2,500 or less. A person or organization is not required to register with the Gambling Control Unit to conduct a raffle in which the total value of the prize offered to the holder of the winning chance does not exceed ~~\$1,000~~ \$2,500. If the raffle is conducted in a manner in which there are multiple winning chances, the total value of all prizes offered may not exceed a value of ~~\$1,000~~ \$2,500.

3. Raffle with a noncash prize of \$2,501 to \$10,000. A person or organization may conduct a raffle in which the total value of the prize offered to the holder of the winning chance is greater than ~~\$1,001~~ \$2,501 and does not exceed \$10,000 upon the acceptance of a registration by the Gambling Control Unit. The Gambling Control Unit may not accept a registration for a raffle under this subsection unless the registration states a verifiable charitable purpose for which the proceeds of the raffle are dedicated to benefit. If the raffle is conducted in a manner in which there are multiple winning chances, the total value of all prizes offered may not exceed a value of \$10,000. A prize offered for a raffle conducted under this subsection may not be in the form of cash and may not be exchanged for cash.

4. Raffle with a noncash prize up to \$75,000 conducted by eligible organization; cash prizes up to \$20,000. An eligible organization as described in section 1832, subsection 2 may conduct a raffle in which the total value of the prize offered to the holder of the winning chance does not exceed \$75,000 upon the acceptance of a registration by the Gambling Control Unit. The registration must state a verifiable charitable purpose for which the proceeds of the raffle are dedicated to benefit. If the raffle is conducted in a manner in which there are multiple winning chances, the total value of all prizes offered may not exceed a value of \$75,000. A noncash prize for a raffle conducted under this subsection ~~may not be in the form of cash and~~ may not be exchanged for cash. The total amount of cash prizes that may be awarded for a raffle conducted under this subsection may not exceed \$20,000 with no more than one \$10,000 prize for the holder of a winning chance. An eligible organization may not conduct more than one raffle under this subsection in a 12-month period.

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

Effective April 8, 2018.

**CHAPTER 366
H.P. 1266 - L.D. 1824**

**An Act Regarding the
Termination of the Authority
To Issue a Permit for a Noise
Suppression Device on a
Firearm for Hunting**

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 validity of noise suppression device permits and the authority of the Commissioner of Inland Fisheries and Wildlife to issue noise suppression device permits for use of a noise suppression device with a firearm when hunting may expire before the effective date of nonemergency legislation passed during the current session of the Legislature; and

Whereas, immediately extending the validity of noise suppression device permits and the authority of the commissioner to continue issuing noise suppression device permits will ensure the uninterrupted and continued use of noise suppression devices with firearms when hunting; 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. 12 MRSA §11161, sub-§2, as enacted by PL 2015, c. 262, §1, is amended to read:

2. Permit. In accordance with this subsection, the commissioner may issue a permit to a person allowing that person to use a noise suppression device with a firearm when hunting any wild animals or wild birds the person is licensed to hunt under this chapter and for which use of the firearm is allowed or for the purpose of killing a wild animal or wild turkey under section 12401 or 12402.

- A. A person applying for a permit:
 - (1) Shall show proof of lawful possession of the noise suppression device; and
 - (2) May not have had a hunting license revoked as a result of a serious hunting violation.
- B. A permit is valid ~~until August 1, 2018~~, unless revoked under this section.