

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

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

Augusta, Maine
2019

Sec. 3. 22 MRSA §2353, sub-§4-A is enacted to read:

4-A. Recovery residences; standing orders for naloxone hydrochloride. Acting under standing orders from a licensed health care professional authorized by law to prescribe naloxone hydrochloride, a recovery residence shall operate in accordance with rules adopted by the department and the provisions of this subsection.

A. Notwithstanding any provision of law to the contrary, a recovery residence shall store and dispense naloxone hydrochloride and is not subject to the provisions of Title 32, chapter 117. The recovery residence shall store on site at least 2 units of naloxone hydrochloride for each floor of the recovery residence.

B. A recovery residence shall provide training in administration of naloxone hydrochloride that meets the protocols and criteria established by the department, and residents of the recovery residence, employees of the recovery residence and all other persons involved in the administration of a recovery residence shall successfully complete the training.

C. A licensed health care professional authorized by law to prescribe naloxone hydrochloride shall distribute unit-of-use packages of naloxone hydrochloride and the medical supplies necessary to administer the naloxone hydrochloride to a recovery residence that has provided training described in paragraph B so that the recovery residence may possess and administer naloxone hydrochloride to an individual who appears to be experiencing a drug-related overdose.

The department shall adopt rules to implement this subsection. 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 293
H.P. 526 - L.D. 721**

An Act To Encourage Public Participation in School Board Meetings

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

Sec. 1. 20-A MRSA §1001, sub-§20 is enacted to read:

20. School board meeting public comment period. A school board shall provide the opportunity for the public to comment on school and education mat-

ters at a school board meeting. Nothing in this subsection restricts the school board from establishing reasonable standards for the public comment period, including time limits and conduct standards. For purposes of this subsection, "school board meeting" means a full meeting of the school board and does not include meetings of subcommittees.

See title page for effective date.

**CHAPTER 294
H.P. 710 - L.D. 955**

An Act To Prohibit Offshore Oil and Natural Gas Drilling and Exploration

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

Sec. 1. 12 MRSA §1862, sub-§14 is enacted to read:

14. Prohibition on oil and natural gas exploration, development and production. Notwithstanding any other provision of law to the contrary, the director may not permit, approve or otherwise authorize any oil or natural gas exploration, development or production in, on or under the submerged and intertidal land owned by the State.

As used in this subsection, "development" has the same meaning as in Title 38, section 570-AA, subsection 1; "exploration" has the same meaning as in Title 38, section 570-AA, subsection 2; and "production" has the same meaning as in Title 38, section 570-AA, subsection 3.

Sec. 2. 38 MRSA c. 3, sub-c. 2-C is enacted to read:

SUBCHAPTER 2-C

PROHIBITION ON OIL AND NATURAL GAS EXPLORATION, DEVELOPMENT AND PRODUCTION

§570-AA. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Development. "Development" means the activities conducted subsequent to the exploration for and discovery of oil or natural gas resources, but prior to the production of those resources, to facilitate the production of those resources, including, but not limited to, geophysical activities, drilling, platform construction, pipeline construction and the operation of all onshore support facilities specifically constructed or designed to support those activities.

2. Exploration. "Exploration" means the activities conducted to locate oil or natural gas resources, prior to the development or production of those resources, including, but not limited to, the drilling of wells for the purpose of locating and determining the size and scope of those resources.

3. Federal waters. "Federal waters" means those waters and submerged lands lying seaward to the waters of the State that are subject to federal jurisdiction and control.

4. Oil terminal facility. "Oil terminal facility" has the same meaning as in section 542, subsection 7.

5. North Atlantic planning area. "North Atlantic planning area" means an area of federal waters in the outer Continental Shelf adjacent to the coastal waters of the states of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York and New Jersey.

6. Production. "Production" means the activities conducted subsequent to the exploration, discovery and development of oil or natural gas resources including, but not limited to, the removal or extraction of those resources, related field operations, the transportation of those resources over the waters of the State to onshore facilities, workover drilling and the operation, monitoring and maintenance of the removal or extraction process. "Production" does not include the transfer of oil or natural gas resources to or from the waters of the State, including both onloading and offloading of oil or natural gas resources between an oil terminal facility and a vessel or between vessels, except that "production" does include the transfer of oil or natural gas resources to or from the waters of the State when such transfer involves oil or natural gas resources removed or extracted from federal waters in the north Atlantic planning area.

7. Vessel. "Vessel" has the same meaning as in section 542, subsection 11.

§570-BB. Prohibition

Notwithstanding any other provision of law to the contrary, a person may not perform or cause to be performed, and the department may not permit, approve or otherwise authorize, any oil or natural gas exploration, development or production in, on or under the waters of the State.

See title page for effective date.

CHAPTER 295

H.P. 751 - L.D. 1009

An Act To Provide Protections for Maine Patients Facing Step Therapy

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

Sec. 1. 24-A MRSA §4320-M is enacted to read:

§4320-M. Step therapy

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Clinical practice guidelines" means a systematically developed statement to assist prescriber and enrollee decisions about appropriate health care for specific clinical circumstances and conditions.

B. "Clinical review criteria" means the written screening procedures, decision abstracts, clinical protocols and practice guidelines used by a carrier or utilization review organization to determine the medical necessity and appropriateness of health care services.

C. "Medically necessary," with respect to health services and supplies, means appropriate, under the applicable standard of care, to improve or preserve health, life or function; to slow the deterioration of health, life or function; or for the early screening, prevention, evaluation, diagnosis or treatment of a disease, condition, illness or injury.

D. "Pharmaceutical sample" means a unit of a prescription drug that is not intended to be sold and is intended to promote the sale of the drug.

E. "Stable on a prescription drug" means, with respect to an enrollee, receiving a positive therapeutic outcome on a prescription drug selected by the enrollee's health care provider for the enrollee's medical condition.

F. "Step therapy override exception determination" means a determination based on a review of an enrollee's or prescriber's request for an override, along with supporting rationale and documentation, that the step therapy protocol should be overridden in favor of immediate coverage of the health care provider's selected prescription drug.

G. "Step therapy protocol" means a protocol that establishes a specific sequence in which prescription drugs for a specified medical condition are medically necessary for a particular enrollee and are covered under a pharmacy or medical benefit