

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-NINTH LEGISLATURE**

**FIRST SPECIAL SESSION**

**August 26, 2019**

**SECOND REGULAR SESSION**

**January 8, 2020 to March 17, 2020**

**THE GENERAL EFFECTIVE DATE FOR  
FIRST SPECIAL SESSION**

**NON-EMERGENCY LAWS IS**

**NOVEMBER 25, 2019**

**THE GENERAL EFFECTIVE DATE FOR  
SECOND REGULAR SESSION**

**NON-EMERGENCY LAWS IS**

**JUNE 16, 2020**

**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  
2020**

D. The prohibitions in paragraphs A and B do not apply to the solicitation or acceptance of a contribution from or the offer or promise of a contribution by an employer of a lobbyist or a lobbying firm.

**4. Campaign contributions and solicitations prohibited at all times.** The following provisions prohibit certain contributions and solicitations and offers of contributions at all times, regardless of whether the Legislature is in legislative session.

A. A gubernatorial or legislative candidate who is not the Governor or a member of the Legislature, or the staff or agent of a gubernatorial or legislative candidate, may not intentionally solicit or accept a contribution from a lobbyist or lobbyist associate unless the lobbyist or lobbyist associate is eligible to vote or will be eligible to vote on the day of the election in a district where the gubernatorial or legislative candidate will appear on the ballot.

B. A lobbyist or lobbyist associate may not intentionally give, offer or promise a contribution to a gubernatorial or legislative candidate who is not the Governor or a member of the Legislature, or the staff or agent of a gubernatorial or legislative candidate, unless the lobbyist or lobbyist associate is eligible to vote or will be eligible to vote on the day of the election in a district where the gubernatorial or legislative candidate will appear on the ballot.

C. The prohibitions in paragraphs A and B do not apply to the solicitation or acceptance of a contribution from or the offer or promise of a contribution by a lobbyist or lobbyist associate that is not the property of that lobbyist or lobbyist associate.

D. The prohibitions in paragraphs A and B do not apply to the solicitation or acceptance of a contribution from or the offer or promise of a contribution by an employer of a lobbyist or lobbying firm.

**5. Exceptions.** This section does not prohibit any of the following.

A. The solicitation, acceptance, offer or gift of money or anything of value for bona fide social events hosted for nonpartisan, charitable purposes.

B. The solicitation, acceptance, offer or promise of contributions to a member of the Legislature supporting that member's campaign for federal office.

C. The attendance of the Governor, a member of the Legislature, a constitutional officer, a gubernatorial or legislative candidate or the staff or agent of these persons at fund-raising events held by a municipal, county, state or national political party organized pursuant to Title 21-A, chapter 5, nor the advertisement of the expected presence of any such person at any such event, as long as any such person has no involvement in soliciting attendance at the event and all proceeds are paid directly to the

political party organization hosting the event or a nonprofit charitable organization.

**6. Violations.** The commission may undertake investigations to determine whether any person has violated this section. A person who violates this section is subject to a civil penalty not to exceed \$1,000 for each violation, payable to the State and recoverable in a civil action. A contribution accepted in violation of this section must be returned to the contributor.

**Sec. 5. 1 MRSA §1016-G, sub-§3, ¶B,** as enacted by PL 2011, c. 634, §11, is amended to read:

B. The intentional filing of a false statement is a Class E crime. If the commission concludes that it appears that a Legislator has willfully filed a false statement, it shall refer its findings of fact to the Attorney General. If the commission determines that a Legislator has willfully failed to file a statement required by this subchapter or has willfully filed a false statement, the Legislator is presumed to have a conflict of interest on every question and ~~must be precluded or subject to penalty as provided in section 1015.~~

See title page for effective date.

**CHAPTER 535**

**S.P. 167 - L.D. 545**

**An Act To Ban Child Marriage**

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

**Sec. 1. 19-A MRSA §652, sub-§8,** as amended by PL 1997, c. 683, Pt. E, §5 and affected by §6, is further amended to read:

**8. Parties under 16 years of age.** The clerk may not issue a marriage license to a person under 16 years of age ~~without:~~

~~A. The written consent of that minor's parents, guardians or persons to whom a court has given custody;~~

~~B. Notifying the judge of probate in the county in which the minor resides of the filing of this intention; and~~

~~C. Receipt of that judge of probate's written consent to issue the license. The judge of probate shall base a decision on whether to issue consent on the best interest of the parties under 16 years of age and shall consider the age of both parties and any criminal record of a party who is 18 years of age or older. The judge of probate, in the interest of public welfare, may order, after notice and opportunity for hearing, that a license not be issued. The judge~~

~~of probate shall issue a decision within 30 days of receiving the notification under paragraph B.~~

See title page for effective date.

**CHAPTER 536  
S.P. 237 - L.D. 793**

**An Act To Improve  
Accountability of Opioid  
Manufacturers**

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

**Sec. 1. 5 MRSA §20010** is enacted to read:

**§20010. Opioid Use Disorder Prevention and Treatment Fund**

**1. Fund established.** The Opioid Use Disorder Prevention and Treatment Fund, referred to in this section as "the fund," is established for the purpose of supporting opioid use disorder analysis, prevention and treatment and is administered by the department. The fund consists of:

A. Money received from proceeds from the registration fee under Title 32, section 13800-C;

B. Money received from proceeds from the fee under Title 32, section 13724, less \$325, which may be retained by the Department of Professional and Financial Regulation; and

C. Appropriations, allocations and contributions from private and public sources.

The fund must be held separate and apart from all other money, funds and accounts. Eligible investment earnings credited to the assets of the fund become part of the assets of the fund. Any unexpended balances remaining in the fund at the end of any fiscal year do not lapse and must be carried forward to the next fiscal year.

**2. Uses of fund proceeds.** The proceeds of the fund must be used for the following purposes:

A. Opioid use disorder prevention services;

B. Opioid use disorder treatment services, including:

(1) Inpatient and outpatient treatment programs and facilities, including short-term and long-term residential treatment programs and sober living facilities;

(2) Treating substance use disorder for the underinsured and uninsured; and

(3) Research regarding opioid use disorder prevention and treatment;

C. The department's reasonable expenses in administering the fund; and

D. The Maine Board of Pharmacy's reasonable expenses in administering Title 32, section 13800-C and in providing the report required under Title 32, section 13800-C.

The department shall award grants and contracts from proceeds of the fund to persons and organizations to carry out the purposes of the fund.

**Sec. 2. 22 MRSA §7249-B** is enacted to read:

**§7249-B. Opioid medication distribution monitoring information**

A manufacturer of an opioid medication that is available in this State and a wholesaler that sells or distributes an opioid medication in this State shall submit to the department, by electronic means or other format specified in a waiver granted by the department, information for this State submitted to the United States Drug Enforcement Administration's Automation of Reports and Consolidated Orders System pursuant to 21 United States Code, Subchapter I and 21 Code of Federal Regulations, Section 1304.33 at the time that information is submitted to the United States Drug Enforcement Administration. As used in this section, the terms "manufacturer" and "opioid medication" have the same meanings as in Title 32, section 13702-A.

**Sec. 3. 32 MRSA §13724**, as amended by PL 2007, c. 402, Pt. DD, §11 and PL 2011, c. 286, Pt. B, §5, is repealed and the following enacted in its place:

**§13724. Fees**

The Director of the Office of Professional and Occupational Regulation may establish by rule fees for purposes authorized under this chapter in amounts that are reasonable and necessary for their respective purposes in accordance with this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**1. General fees.** Except as provided in subsection 2, the fee for any one purpose may not exceed \$325.

**2. Manufacturer of an opioid medication fee.** The fee for a manufacturer of an opioid medication is \$55,000. This subsection does not apply to a manufacturer of an opioid medication if all of that manufacturer's opioid medications are approved by the United States Food and Drug Administration for use only in veterinary medicine.

**Sec. 4. 32 MRSA §13800-C** is enacted to read:

**§13800-C. Opioid medication product registration fee**

This section governs opioid medication product registration fees. As used in this section, "unit of an opioid medication" means the lowest identifiable quantity of the opioid medication that is dispensed.

**1. Registration fee.** Except as provided in subsection 2, a manufacturer that sells, delivers or distributes