

# 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**

**2. Powers and duties of permanency guardian.** A permanency guardian has all of the powers and duties of a guardian of a minor pursuant to Title 18-C, sections 5-207 and 5-208. A permanency guardianship terminates upon the minor's death, adoption or attainment of majority or as ordered by the court pursuant to this section.

**Sec. C-2. 22 MRSA §4038-E**, as amended by PL 2017, c. 402, Pt. C, §67 and Pt. D, §1 and c. 411, §12 and affected by PL 2019, c. 417, Pt. B, §14, is repealed and the following enacted in its place:

**§4038-E. Adoption from permanency guardianship**

A permanency guardian may petition the District Court to adopt the child in the permanency guardian's care and to change the child's name upon the issuance of the adoption decree. The petition must be filed and adjudicated in accordance with Title 18-C, Article 9, except that the adoption may not be granted unless each living parent identified in the child protection action whose rights have not been terminated has executed a consent to the adoption pursuant to Title 18-C, section 9-202 or the court finds that such consent is not required pursuant to Title 18-C, section 9-302, subsection 2. A permanency guardian may not seek an order terminating the parental rights of a parent as part of a petition to adopt the child.

**PART D**

**Sec. D-1. 18-C MRSA §5-211**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is repealed and the following enacted in its place:

**§5-211. Transitional arrangement for minors; continued contact with former guardian after termination**

**1. Transitional arrangements.** In issuing, modifying or terminating an order of guardianship for a minor, the court may enter an order providing for transitional arrangements for the minor if the court determines that such arrangements will assist the minor with a transition of custody and are in the best interest of the minor. Orders providing for transitional arrangements may include, but are not limited to, rights of contact, housing, counseling or rehabilitation. Such orders must be time-limited and expire not later than 6 months after the entry of the order or at the conclusion of the minor's current school year, whichever is later. In determining the best interest of the minor, a court may consider the minor's relationship with the guardian and need for stability.

**2. Continued contact with former guardian after termination.** On timely motion of a parent or a guardian, the court terminating a guardianship may enter an order at the time of the termination or the expiration of a transitional arrangement pursuant to subsec-

tion 1 providing for communication or contact, including overnight visitation, between a minor and the former guardian after the termination of the guardianship if:

A. The parent and guardian consent to the order; or

B. The court finds by clear and convincing evidence that ordering such continued communication or contact over the objection of the minor's parent:

(1) Is necessary to avoid a likelihood of harm to the minor resulting from severing the legal relationship with the former guardian;

(2) Would not significantly interfere with any parent-child relationship or with the parent's rightful authority over the minor; and

(3) Is in the best interest of the minor due to the existing relationship between the minor and the former guardian because the former guardian was a primary caregiver and custodian of the minor for a significant period of time.

Before ordering communication or contact pursuant to paragraph B the court shall grant due consideration to the specific objections of the parent to the entry of an order and determine whether ordering a period of transitional arrangements pursuant to subsection 1 is sufficient to mitigate harm to the minor. Except as Title 4, section 152, subsection 5-A may otherwise require, the court issuing the order for post-guardianship contact has continuing jurisdiction to modify, enforce or terminate the order and shall follow the procedure set forth in section 5-210.

See title page for effective date.

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**CHAPTER 665**

**S.P. 737 - L.D. 2088**

**An Act To Clarify the Laws  
Governing Financial  
Relationships between Entities  
within the Three-tier System  
for Distribution of Alcohol**

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

**Sec. 1. 28-A MRSA §707, sub-§1**, as amended by PL 1997, c. 373, §68, is further amended to read:

**1. Licensee not indebted.** Except as provided by ~~section 1363~~ in subsection 7, the bureau may not issue any license to or renew the license of a person who is indebted in any manner, directly or indirectly:

A. To any other person for liquor;

B. To the State for any tax, other than property tax, assessed and considered final under Title 36 that the State Tax Assessor certifies, in accordance with Title 36, section 172, as remaining unpaid in an amount exceeding \$1,000 for a period greater than 60 days after the applicant or licensee has received notice of the finality of that tax; or

C. For any contributions assessed and considered final under Title 26, section 1225, when the Director of Unemployment Compensation certifies that the amount remains unpaid for a period greater than 60 days, after the applicant or licensee has received notice of the finality of that tax.

**Sec. 2. 28-A MRSA §707, sub-§3**, as amended by PL 2011, c. 629, §9, is repealed.

**Sec. 3. 28-A MRSA §707, sub-§3-A** is enacted to read:

**3-A. Manufacturer or importer; prohibited financial interests.** Except as authorized in subsection 7 and sections 707-A and 1355-A, a licensed in-state manufacturer, an out-of-state spirits supplier, an out-of-state manufacturer of malt liquor or wine that has been issued a certificate of approval or an out-of-state wholesaler of malt liquor or wine that has been issued a certificate of approval may not have any financial interest, direct or indirect, in any:

- A. Wholesale licensee; or
- B. Retail licensee.

**Sec. 4. 28-A MRSA §707, sub-§4**, as amended by PL 2011, c. 629, §10, is repealed.

**Sec. 5. 28-A MRSA §707, sub-§4-A** is enacted to read:

**4-A. Wholesale licensee; prohibited financial interests.** Except as authorized in subsection 7, a wholesale licensee may not have any financial interest, direct or indirect, in any:

- A. Licensed in-state manufacturer, out-of-state spirits supplier, out-of-state manufacturer of malt liquor or wine that has been issued a certificate of approval or out-of-state wholesaler of malt liquor or wine that has been issued a certificate of approval; or
- B. Retail licensee.

**Sec. 6. 28-A MRSA §707, sub-§5**, as repealed and replaced by PL 1987, c. 342, §42, is repealed.

**Sec. 7. 28-A MRSA §707, sub-§5-A** is enacted to read:

**5-A. Retail licensee; prohibited financial interests.** Except as authorized in sections 707-A and 1355-A, a retail licensee may not have any financial interest, direct or indirect, in any:

A. Licensed in-state manufacturer, out-of-state spirits supplier, out-of-state manufacturer of malt liquor or wine that has been issued a certificate of approval or out-of-state wholesaler of malt liquor or wine that has been issued a certificate of approval; or

B. Wholesale licensee.

**Sec. 8. 28-A MRSA §707, sub-§6**, as enacted by PL 1987, c. 342, §43, is amended to read:

**6. ~~Minor investment~~ Directors, officers, members and securities.** Minor The financial interests prohibited in subsections 3-A, 4-A and 5-A include, but are not limited to, circumstances in which an officer, director, member or holder of the securities of a business entity is also a director, officer, member or holder of the securities of another business entity, except that a minor investment in not more than 1% of the securities of a corporation engaged in liquor business not amounting to more than 1% shall not be held to be an interest forbidden entity does not constitute a financial interest prohibited by this subsection subsections 3-A, 4-A and 5-A.

**Sec. 9. 28-A MRSA §707, sub-§7**, as enacted by PL 1987, c. 342, §43, is amended to read:

**7. Application Exceptions.** This section does not prohibit ~~a wholesale licensee from receiving normal credits for the purchase of malt liquor or wine from the manufacturer located within or without the State;~~

A. A manufacturer or out-of-state wholesaler from extending the usual and customary credit to a wholesale licensee for the purchase of malt liquor or wine; or

B. A manufacturer or out-of-state wholesaler from furnishing materials and equipment for the use of a wholesale licensee or the wholesale licensee's employees, including:

- (1) Painting the wholesale licensee's vehicles;
- (2) Supplying legal advertising signs used by the wholesale licensee in the course of the wholesale licensee's business; and
- (3) Supplying uniforms for the employees of the wholesale licensee.

**Sec. 10. 28-A MRSA §707, sub-§8** is enacted to read:

**8. Definitions.** For purposes of this section, the following terms have the following meanings.

A. "Business entity" means a partnership, corporation, firm, association or other legal entity.

B. "Out-of-state spirits supplier" means an out-of-state manufacturer of spirits products that are listed by the commission for sale in the State or a person that engages in the out-of-state purchase of spirits

products that are listed by the commission for sale in the State and that resells those spirits products to the bureau.

**Sec. 11. 28-A MRSA §1355-A, sub-§2-B,** ¶B, as enacted by PL 2017, c. 341, §1, is amended to read:

B. The licensee is in violation of section 707, subsection 2, ~~§ 3-A~~ or ~~4 5-A~~, if the violation existed in the same manner at the time the license was initially issued or at the time the license was renewed.

**Sec. 12. 28-A MRSA §1363,** as amended by PL 1997, c. 373, §118, is repealed.

See title page for effective date.

**CHAPTER 666**

**H.P. 1493 - L.D. 2096**

**An Act To Save Lives by Capping the Out-of-pocket Cost of Certain Medications**

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

**Whereas,** it is critically important that this legislation take effect before the expiration of the 90-day period; 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:**

**PART A**

**Sec. A-1. 24-A MRSA §4317-C** is enacted to read:

**§4317-C. Coverage for prescription insulin drugs: limit on out-of-pocket costs**

**1. Definition.** As used in this section, "insulin" has the same meaning as in Title 32, section 13786-D, subsection 1, paragraph A.

**2. Limit on out-of-pocket costs.** A carrier that provides coverage for prescription insulin drugs may not impose any deductible, copayment, coinsurance or other cost-sharing requirement on an enrollee for that coverage that results in out-of-pocket costs to the enrollee that exceed \$35 per prescription for a 30-day supply of covered prescription insulin drugs, regardless of the amount of insulin needed to fill the enrollee's insulin prescriptions.

**3. Other cost sharing.** This section does not prevent a carrier from setting an enrollee's cost-sharing requirement for one or more insulin drugs at an amount lower than the maximum amount specified in this section.

**4. Rules.** The superintendent may adopt rules to implement and administer this section to align with applicable federal requirements. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. A-2. Application.** The requirements of this Part apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2021. For purposes of this Act, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

**PART B**

**Sec. B-1. 32 MRSA §13786-D** is enacted to read:

**§13786-D. Prescribing and dispensing insulin**

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

A. "Insulin" includes various types of insulin analogs and insulin-like medications, regardless of activation period or whether the solution is mixed before or after dispensation.

B. "Insulin-related devices and supplies" means needles, syringes, cartridge systems, prefilled pen systems, glucose meters and test strips. "Insulin-related devices and supplies" does not include insulin pump devices.

**2. Authorization.** As authorized by the board in accordance with rules adopted under subsection 3, a pharmacist may dispense emergency refills of insulin and associated insulin-related devices and supplies by prescription drug order or standing order or pursuant to a collaborative practice agreement authorizing insulin to be dispensed. The insulin dispensed under this subsection must be in a quantity that is the lesser of a 30-day supply and the smallest available package. The intended recipient shall provide evidence of a previous prescription from a practitioner and attest that a refill of that previous prescription may not be readily or easily obtained under the circumstances.

**3. Rules; protocols.** The board by rule shall establish standards for authorizing pharmacists to dispense insulin in accordance with subsection 2, including adequate training requirements and protocols for dispensing insulin. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.