

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND THIRTIETH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 2020 to March 30, 2021**

**FIRST SPECIAL SESSION**  
**April 28, 2021 to July 19, 2021**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2021**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 18, 2021**

**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**  
**2021**

shall make payments directly to the group health insurance plan in which the enrollee is participating.

**Sec. 4. PL 2019, c. 446, §7** is amended to read:

**Sec. 7. Open enrollment.** Notwithstanding the Maine Revised Statutes, Title 5, section 286-M, subsection 5, a county or municipal law enforcement officer or a municipal firefighter, as defined in Title 5, section 286-M, subsection 2, paragraphs A and H, respectively, who is employed as a county or municipal law enforcement officer or a municipal firefighter at any time beginning October 1, 2019 and ending December 31, 2021 may enroll in the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program established in Title 5, section 286-M, subsection 1 at any time during that period while employed as a county or municipal law enforcement officer or a municipal firefighter. ~~Such~~ Notwithstanding Title 5, section 286-M, subsection 5, paragraph D, such a person who enrolls in the program and is not otherwise eligible to enroll in the program under Title 5, section 286-M, subsection 5 shall contribute to the Firefighters and Law Enforcement Officers Health Insurance Program Fund established in Title 5, section 286-M, subsection 7 a percentage of that person's gross wages in each year of creditable service since that person's effective date of hire as a county or municipal law enforcement officer or a municipal firefighter ~~to that person's date of enrollment in the program or since January 1, 2007, whichever is later, equal to 1.5% for the first 5 years 3% until December 31, 2014 and 3% 1.5% for additional years.~~

**Sec. 5. Retroactive application; enrollment contributions.** That section of this Act that amends Public Law 2019, chapter 446, section 7 applies retroactively to September 19, 2019. The Department of Administrative and Financial Services, Bureau of Human Resources, office of employee health and benefits shall ensure that enrollment contributions pursuant to Public Law 2019, chapter 446, section 7, as amended, to the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program under the Maine Revised Statutes, Title 5, section 286-M made by enrollees between September 19, 2019 and the effective date of this Act are consistent with this Act.

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

Effective March 17, 2021.

**CHAPTER 20  
H.P. 26 - L.D. 60**

**An Act To Clarify the  
Minimum Amount of  
Emergency Refills of Insulin**

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

**Whereas,** legislation to authorize a pharmacist to provide an emergency refill of insulin was enacted as emergency legislation on March 18, 2020; and

**Whereas,** this legislation clarifies the minimum amount of insulin that may be provided on an emergency basis by a pharmacist and requires notice of the refill to the provider that prescribed the insulin to the patient; and

**Whereas,** it is important for a pharmacist to be able to provide emergency refills of insulin in the minimum amounts permitted by this legislation as soon as possible; 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. 32 MRSA §13786-D, sub-§2,** as enacted by PL 2019, c. 666, Pt. B, §1, is amended to read:

**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~~ at least a 30-day supply unless the intended recipient requests a lesser quantity upon consultation with the pharmacist. 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. Upon receiving evidence of a previous prescription from a practitioner, the pharmacist shall immediately notify that practitioner that an emergency refill of insulin was dispensed and instruct the recipient to seek follow-up care from the practitioner as soon as possible.

**Sec. 2. 32 MRSA §13786-D, sub-§3,** as enacted by PL 2019, c. 666, Pt. B, §1, is amended to read:

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~~ protocols for notifying practitioners when emergency refills of insulin are dispensed. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

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

Effective March 17, 2021.

**CHAPTER 21  
H.P. 5 - L.D. 2**

**An Act To Require the  
Inclusion of Racial Impact  
Statements in the Legislative  
Process**

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

**Sec. 1.** 2 MRSA c. 7 is enacted to read:

**CHAPTER 7**

**RACIAL IMPACT STATEMENTS**

**§201. Information regarding racial impact statements**

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

A. "Legislative committee" means a joint standing committee of the Legislature, a joint select committee of the Legislature, a task force, commission or council or any other committee established by the Legislature and composed wholly or partly of Legislators for the purpose of conducting legislative business.

B. "Racial impact statement" means an assessment of the potential impact that legislation could have on historically disadvantaged racial populations.

C. "State agency" means a state department, agency, office, board or commission or a quasi-independent agency, board, commission, authority or institution.

**2. Racial impact statement information.** Upon the request of a legislative committee, a commissioner or director of a state agency or the commissioner's or director's designee shall provide to that legislative committee data, analysis and other information within the agency's possession necessary for the Legislature to prepare a racial impact statement for legislation before that legislative committee or legislation being prepared

by that legislative committee. The racial impact statement information must be provided in a timely manner.

**Sec. 2. Implementation of racial impact statement process pilot project.** The Legislative Council or its delegate shall perform a study to determine the best method to establish and implement a system of using racial impact statements for legislation. For purposes of this section, "racial impact statement" means an assessment of the potential impact that legislation could have on historically disadvantaged racial populations.

**1. Study.** In making the determination required by this section, the Legislative Council shall study and consider:

A. What has been done in other states to accomplish the development and use of racial impact statements;

B. What data, analysis or other information is needed to produce a racial impact statement and what the best source of that data, analysis or other information is, such as, but not limited to, an executive branch department or agency;

C. Specific policy areas that would benefit from the use of racial impact statements, including, but not limited to, education; health care; employment, including wages; housing, including home ownership; and criminal justice and public safety;

D. The costs of implementing the use of racial impact statements, either on a limited basis, such as for certain committees, policy areas or instruments, such as committee or floor amendments, or for all joint standing committees and all legislation; and

E. Anything else the Legislative Council considers relevant.

**2. Findings; recommendations for limited pilot project.** The Legislative Council shall complete its study under subsection 1 no later than November 1, 2021 and compile a report with its findings. Based on the information gathered pursuant to subsection 1 and its findings, the Legislative Council shall implement, no later than December 1, 2021, a pilot project for the limited use of racial impact statements in the Second Regular Session of the 130th Legislature.

In determining the scope of the pilot project, the Legislative Council shall consider:

A. Which joint standing committees will participate in the pilot project, which must be at least one but not more than 4;

B. What legislation, such as bills, committee amendments and floor amendments, will be subject to racial impact statement review;

C. What standards will be used to review legislation under paragraph B;