

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.

Augusta, Maine
2021

B. With the county clerk for an appeal of a vote by the municipal officers in a municipality that does not have a board of appeals authorized to hear the appeal; or

C. With the county clerk for an appeal of a vote by the county commissioners.

Within 15 days after receiving a written appeal request filed pursuant to this subsection, the municipal clerk or county clerk shall schedule a public hearing on the appeal before the municipal board of appeals or county commissioners and provide written notice of the hearing date to the municipal officers or county commissioners and the person filing the appeal request. The public hearing must occur no more than 30 days after the appeal request is received.

A person aggrieved by the decision of the municipal board of appeals or county commissioners pursuant to this subsection may appeal the decision to the Superior Court in the county where the town way is situated, pursuant to the Maine Rules of Civil Procedure, Rule 80B.

8. Quasi-judicial act. The determination of the municipal officers regarding the status of a town way pursuant to this section is a quasi-judicial act under Title 14, section 8104-B, subsection 2.

9. Previously abandoned town ways. This section does not alter the status of a town way abandoned by a municipality or county under the terms of former section 3028.

10. Common law abandonment. This section does not alter the ability of a town way to be abandoned under the common law presumption of abandonment.

11. Removal of obstructions. If the municipal officers or county commissioners have declared a town way discontinued by abandonment and have retained a public easement in the abandoned town way under this section, the municipality, county commissioners or an abutter on the way, acting with the written permission of the municipal officers or county commissioners, may remove any gates, bars or other obstructions in the town way.

Sec. 3. Effective date. This Act takes effect October 1, 2021.

See title page for effective date.

**CHAPTER 146
S.P. 242 - L.D. 603**

**An Act Regarding the Practice
of Pharmacy**

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

Sec. 1. 32 MRSA §13702-A, sub-§22, as enacted by PL 2007, c. 402, Pt. DD, §2, is amended to read:

22. Pharmacist. "Pharmacist" means an individual provider of health care services licensed by this State to engage in the practice of pharmacy.

A. "Chain pharmacist" means an individual who is engaged in the practice of pharmacy within a chain; that is, where there is a corporate grouping of 4 or more pharmacies.

B. "Hospital pharmacist" means an individual who is engaged in the practice of pharmacy in a hospital setting.

C. "Independent pharmacist" means an individual who is engaged in the practice of pharmacy in an independent pharmacy; that is, where there are fewer than 4 pharmacies under the same ownership.

D. "Qualified assistant pharmacist" means an individual licensed by this State as a qualified assistant apothecary, qualified assistant or assistant pharmacist, provided that the license is in full force and effect, except for the right to serve as a pharmacist in charge.

Sec. 2. 32 MRSA §13702-A, sub-§28, as amended by PL 2017, c. 185, §1, is further amended to read:

28. Practice of pharmacy. "Practice of pharmacy" means the provision of health care services that include the interpretation and evaluation of prescription drug orders; the compounding, dispensing and labeling of drugs and devices, except labeling by a manufacturer, packer or distributor of nonprescription drugs and commercially packaged legend drugs and devices; the participation in drug selection and drug utilization reviews; the proper and safe storage of drugs and devices and the maintenance of proper records for these drugs and devices; the administration of vaccines licensed by the United States Food and Drug Administration that are recommended by the United States Centers for Disease Control and Prevention Advisory Committee on Immunization Practices, or successor organization, for administration to adults; the performance of collaborative drug therapy management; the responsibility for advising, when necessary or regulated, of therapeutic values, content, hazards and use of drugs and devices; the ordering and dispensing of over-the-counter nicotine replacement products approved by the United States Food and Drug Administration; and the offering or performing of those acts, services, operations or transactions necessary in the conduct, operation, management and control of a pharmacy.

Sec. 3. 32 MRSA §13722, sub-§1, ¶B, as enacted by PL 1987, c. 710, §5, is amended to read:

B. Establish the specifications of minimum professional and technical equipment, environment, supplies and procedure for the compounding ~~or~~, dispensing or administering of medications, drugs, devices and other materials within the practice of pharmacy;

See title page for effective date.

**CHAPTER 147
S.P. 253 - L.D. 648**

An Act To Improve the Lives of Maine Workers by Supporting Apprenticeships That Lead to Good-paying Jobs

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

Sec. 1. 26 MRSA §3211, sub-§7 is enacted to read:

7. Funding. The Maine Apprenticeship Program shall apply at least 75% of program funding used for reimbursement of direct training costs toward apprenticeship programs in which the apprentice starting wage is at least 1.25 times the rate of the minimum wage established in section 664 and the ending wage, upon completion of the apprenticeship agreement, is at least 1.5 times the rate of the minimum wage.

See title page for effective date.

**CHAPTER 148
H.P. 571 - L.D. 766**

An Act To Ensure the Safety of Certain State Employees by Allowing Disclosure of Certain Confidential Information in Limited Circumstances

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

Sec. 1. 22 MRSA §4008, sub-§2, ¶A-2 is enacted to read:

A-2. An administrator of a social media service, to the extent authorized by a court for reporting, investigating or removing a threat or serious intimidation attempt directed against an employee of the department, an employee of the Attorney General's office, a guardian ad litem or an officer of any court or court system. The information remains confidential and the social media service may not disclose any of the information provided by the de-

partment. For the purposes of this subsection, "social media service" means an electronic medium or service through which users create, share and view user-generated content;

See title page for effective date.

**CHAPTER 149
S.P. 53 - L.D. 792**

An Act To Make Technical Changes to the Eligibility Provisions of the Higher Opportunity for Pathways to Employment Program

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

Sec. 1. 22 MRSA §3790-A, sub-§2, ¶C, as enacted by PL 2017, c. 387, §1, is amended to read:

C. Is pursuing a postsecondary undergraduate degree, industry-recognized certificate or similar credential in a field or occupation that has at least an average job outlook as identified by the Center for Workforce Research and Information within the Department of Labor is identified by the Center for Workforce Research and Information within the Department of Labor as having an annual job opening rate of at least 10% or as providing opportunity for employment in high-wage, in-demand jobs in the State at the time of enrollment. For fields or occupations for which the job outlook is lower than average not so identified, the commissioner or the commissioner's designee must approve the applicant's or participant's education plan. If the applicant or participant is pursuing a postsecondary undergraduate 4 year degree, it must be in a health care, technology or engineering field as specified in department rules if the plan will result in a postsecondary degree, certificate or similar credential that is universally recognized and accepted by the trade or industry in which the applicant or participant intends to seek employment or is part of a career pathway plan that will lead to a similarly accepted degree or credential and is likely to provide an opportunity for employment in a job that will lead to substantial improvement in the applicant's or participant's earnings and benefits;

See title page for effective date.