

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

SECOND SPECIAL SESSION
September 29, 2021

SECOND REGULAR SESSION
January 5, 2022 to May 9, 2022

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 29, 2021

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 8, 2022

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

Augusta, Maine
2022

**CHAPTER 563
H.P. 443 - L.D. 607**

**An Act To Direct the
Department of Labor To
Educate Business and
Nonprofit Communities on
Overtime Laws**

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

Sec. 1. 26 MRSA §673-A is enacted to read:

§673-A. Comprehensive educational campaign regarding overtime laws; annual report

1. Department of Labor to educate businesses on overtime laws. The Department of Labor shall conduct a comprehensive educational campaign to ensure that the State’s business and nonprofit communities fully understand overtime laws that regulate employees in the State. The comprehensive educational campaign must include educational activities as follows.

A. At the request of employers and employer groups, the Department of Labor, Bureau of Labor Standards shall provide targeted training to employers on the requirements of the State’s wage statutes regarding overtime, including a review of the State’s minimum hourly wage as established in section 664, the determination of the salary threshold as described in section 663, subsection 3, paragraph K and the determination for whether an employee is exempt from the overtime provisions of the law as described in department rules.

B. In collaboration with organizations representing the State’s business and nonprofit communities, the Department of Labor, Bureau of Labor Standards shall:

(1) Create and distribute to employers and employer groups compliance toolkits covering the requirements of the State’s wage statutes regarding overtime; and

(2) Offer employers the opportunity to review with bureau staff the employers’ classification of employees regarding eligibility for or exemption from overtime pay.

C. The Department of Labor shall launch a social media campaign focusing on overtime requirements and connecting employers and employees with resources to determine the pertinent salary threshold as described in section 663, subsection 3, paragraph K and whether an employee is eligible for or exempt from overtime provisions of the law.

2. Annual report on overtime laws. The Department of Labor shall report to the joint standing committee of the Legislature having jurisdiction over labor

matters beginning February 15, 2023 and annually thereafter describing the department’s educational activities on overtime laws under subsection 1 and the result of those activities. The report must also include data regarding complaints and violations of overtime laws and the status of the department’s enforcement efforts regarding overtime laws during the previous calendar year.

See title page for effective date.

**CHAPTER 564
H.P. 627 - L.D. 859**

**An Act To Give Municipalities
More Options in Municipal
Elections**

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

Sec. 1. 30-A MRSA §2528, sub-§10, as amended by PL 1997, c. 733, §1, is further amended to read:

10. Election by plurality vote; tie vote. Unless otherwise provided for at a municipal meeting held at least 180 days before the election, the provisions of this subsection apply. Election must be by plurality vote. In the case of a tie vote, the meeting must be adjourned to a day certain, when ballots are again cast for the candidates tied for the office in question, unless all but one tied candidate withdraw from a subsequent election by delivering written notice of withdrawal signed by the candidate and notarized to the municipal offices within the 7-day period following the election. After the 7-day period has expired, the municipal officers shall call a run-off election between the remaining candidates by posting a warrant in the manner required for calling a town meeting. If only one candidate remains, that candidate is declared the winner and sworn into office.

If the meeting is adjourned sine die before a tie vote is resolved or the tie vote is discovered after the meeting adjourns sine die and more than one candidate remains, a new meeting must be called to conduct a run-off election by the method described in this subsection.

See title page for effective date.

**CHAPTER 565
H.P. 1023 - L.D. 1389**

**An Act To Improve Maritime
Education in Maine**

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

Sec. 1. 20-A MRSA §8238, 2nd ¶, as amended by PL 2019, c. 655, §4, is further amended to read:

Notwithstanding any other provision of law, all powers, duties and authority of the school under this chapter and under any other law terminate 90 days after the adjournment of the ~~Second~~ First Regular Session of the ~~130th~~ 131st Legislature.

Sec. 2. Transition of the Maine School for Marine Science, Technology, Transportation and Engineering to an educational program-based model; report. Notwithstanding its establishment as a public magnet school pursuant to the Maine Revised Statutes, Title 20-A, chapter 312-A, the Maine School for Marine Science, Technology, Transportation and Engineering, referred to in this section as "the Maine Ocean School," shall transition from a public magnet school to an educational program-based model focused on marine-related science, technology, engineering and mathematics no later than 90 days after the adjournment of the First Regular Session of the 131st Legislature. In order to provide for this transition, the Maine Ocean School shall:

1. Develop a new funding model that will support the program;
2. Develop a new supervisory model for the program, which may include agreements to join Regional School Unit 20 or another educational partner as a program instead of a diploma-granting educational institution. Notwithstanding any provision of law to the contrary, the Maine Ocean School is authorized to make and sign any agreements necessary to assist in the transition to this new supervisory model;
3. Design the program to operate regionally and accept students at the program's physical location and through remote, virtual or distance-based learning for students attending from the local region and throughout the State; and
4. Endeavor to identify potential grant funding for which the program may be eligible and any other funding to support the new program from federal and private sources.

The Maine Ocean School shall submit a report, no later than January 15, 2023, to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs on the progress toward the transition to the program-based model, including suggested legislation necessary to finalize the transition. The committee may report out legislation related to the Maine Ocean School to the 131st Legislature in 2023.

See title page for effective date.

**CHAPTER 566
H.P. 1327 - L.D. 1776**

**An Act To Allow Pharmacists
To Dispense an Emergency
Supply of Chronic
Maintenance Drugs**

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

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

§4317-E. Coverage for emergency supply of chronic maintenance drugs

1. Definition. As used in this section, unless the context otherwise indicates, "chronic maintenance drug" has the same meaning as in Title 32, section 13786-F, subsection 1.

2. Coverage required. A carrier offering a health plan in this State must make available coverage for an emergency supply of a chronic maintenance drug dispensed pursuant to Title 32, section 13786-F in the same manner as coverage for other drugs under the health plan. A carrier may impose any deductible, copayment, coinsurance or other cost-sharing requirement for the chronic maintenance drug as long as the amount of the deductible, copayment, coinsurance or other cost-sharing requirement is applied in the same manner as if the chronic maintenance drug were dispensed as prescribed by a provider.

3. Application. This section does not apply to a health plan offered for use with a health savings account unless the federal Internal Revenue Service determines that the benefits required by this section are permissible benefits in a high deductible health plan as defined in the federal Internal Revenue Code, Section 223(c)(2).

Sec. 2. 32 MRSA §13786-F is enacted to read:

§13786-F. Dispensing of emergency supplies of chronic maintenance drug

1. Definition. For the purposes of this section, "chronic maintenance drug" means a medication prescribed to treat a chronic, long-term condition and that is taken on a regular, recurring basis.

2. Emergency supply. A pharmacist may dispense an emergency supply of a chronic maintenance drug without a current, valid prescription from a practitioner, subject to the following requirements:

A. The pharmacy at which the pharmacist is practicing has a record of a prescription for the chronic maintenance drug in the name of the patient who is requesting the emergency supply, including the amount of the chronic maintenance drug dispensed as provided in the most recent prescription or the