

# 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.**

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**Augusta, Maine**  
**2022**

**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

standard unit of dispensing for the chronic maintenance drug, and the record of that prescription for the chronic maintenance drug does not include a notation from a practitioner that no emergency supply is permitted;

B. The pharmacist attempts but is unable to obtain authorization to refill the prescription described in paragraph A from the practitioner who issued the prescription or another practitioner responsible for the patient's care;

C. In the pharmacist's professional judgment, the chronic maintenance drug is essential to sustain the life of the patient or to continue therapy for a chronic condition of the patient and failure to dispense the chronic maintenance drug could reasonably produce undesirable health consequences or cause physical or mental discomfort;

D. Except as provided in this subsection, the amount of the chronic maintenance drug dispensed does not exceed a 30-day supply as provided in the prescription or, if the standard unit of dispensing for the chronic maintenance drug exceeds a 30-day supply, the amount of the chronic maintenance drug dispensed does not exceed the smallest standard unit of dispensing;

E. With respect to a chronic maintenance drug that is a controlled substance included in Schedule III or IV of 21 United States Code, Section 812 or 21 Code of Federal Regulations, Section 1308, the amount of the chronic maintenance drug dispensed does not exceed a 7-day supply;

F. The chronic maintenance drug is not a controlled substance included in Schedule I or II of 21 United States Code, Section 812 or 21 Code of Federal Regulations, Section 1308; and

G. The pharmacist has not dispensed the chronic maintenance drug in an emergency supply under this subsection to the same patient more than twice in the preceding 12-month period.

The pharmacist shall exercise professional judgment in determining the amount of the chronic maintenance drug to be dispensed, up to the maximum amount specified in this subsection. The pharmacist shall notify the practitioner who issued the prescription or another practitioner responsible for the patient's care no later than 72 hours after the chronic maintenance drug is dispensed. The pharmacist shall fulfill all documentation and other requirements established by the board when dispensing an emergency supply of a chronic maintenance drug.

**3. Rules.** The board may adopt rules for determining what constitutes a chronic maintenance drug and what reporting procedures are necessary in dispensing an emergency supply of a chronic maintenance drug. Rules adopted by the board pursuant to this subsection

are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

## CHAPTER 567

### H.P. 1346 - L.D. 1804

#### An Act To Provide Consistency in the Laws Regarding Domestic Partners

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

**Sec. 1. 1 MRSA §72, sub-§2-C** is enacted to read:

**2-C. Domestic partner.** "Domestic partner" means one of 2 unmarried adults who are domiciled together under long-term arrangements that evidence a commitment to remain responsible indefinitely for each other's welfare.

**Sec. 2. 1 MRSA §1012, sub-§2-A**, as enacted by PL 2009, c. 208, §2, is repealed.

**Sec. 3. 3 MRSA §312-A, sub-§4-B**, as enacted by PL 2007, c. 630, §2, is repealed.

**Sec. 4. 4 MRSA §807, sub-§3, ¶S**, as amended by PL 2019, c. 597, §1, is further amended to read:

S. An individual who is the sole member of a limited liability company or is a member of a limited liability company that is owned by a married couple, ~~registered~~ domestic partners or an individual and that individual's issue as defined in Title 18-C, section 1-201, subsection 27 who is not an attorney but is appearing for that company in an action for forcible entry and detainer pursuant to Title 14, chapter 709;

**Sec. 5. 5 MRSA §19, sub-§1, ¶B-1**, as enacted by PL 2011, c. 634, §15, is repealed.

**Sec. 6. 5 MRSA §286-M, sub-§2, ¶B**, as enacted by PL 2005, c. 636, Pt. A, §3, is amended to read:

B. "Dependent" means a spouse, an unmarried child under 19 years of age, a child who is a student under 23 years of age and financially dependent upon the enrollee, a child of any age who is disabled and dependent upon the enrollee or a domestic partner ~~as defined in Title 24-A, section 2741-A.~~

**Sec. 7. 15 MRSA §321, sub-§1**, as amended by PL 2017, c. 402, Pt. C, §31 and affected by PL 2019, c. 417, Pt. B, §14, is further amended to read:

**1. Definition.** For purposes of this section, "family or household members" means spouses or domestic partners or former spouses or former domestic partners,