

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND THIRTY-FIRST LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 7, 2022 to March 30, 2023**

**FIRST SPECIAL SESSION**  
**April 5, 2023 to July 26, 2023**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NONEMERGENCY LAWS IS**  
**JUNE 29, 2023**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NONEMERGENCY LAWS IS**  
**OCTOBER 25, 2023**

**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**  
**2023**

authority of the commission to enforce, the director shall notify the person who submitted the complaint of this determination. If the director determines that the complaint does describe a violation of law or rule that is within the authority of the commission to enforce, the director shall investigate the actions described in the complaint.

B. If the director undertakes an investigation under this subsection, either of a written complaint or in accordance with guidelines prescribed by the commission by rule, the director shall, upon completion of the investigation, take one of the following actions:

- (1) With the commission's approval, dismiss the complaint;
- (2) With the consent of the parties and subject to approval of the commission and commission counsel, execute a consent agreement; or
- (3) Issue a staff petition for hearing before the commission, which may include a recommended disposition.

See title page for effective date.

**CHAPTER 115  
S.P. 158 - L.D. 351**

**An Act to Increase Access to  
Birth Control by Making  
Certain Contraception  
Accessible from a Pharmacist**

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

**Sec. 1. 32 MRSA c. 117, sub-c. 12-A is enacted to read:**

**SUBCHAPTER 12-A**

**PRESCRIBING, DISPENSING AND ADMINISTERING CONTRACEPTIVES**

**§13826. Authorization to prescribe, dispense and administer contraceptives**

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

A. "Injectable hormonal contraceptive" means a drug composed of a hormone or a combination of hormones that is approved by the United States Food and Drug Administration to prevent pregnancy and that is administered by injection.

B. "Self-administered hormonal contraceptive" means a drug composed of a single hormone or a combination of hormones that is approved by the United States Food and Drug Administration to

prevent pregnancy and that the patient to whom the drug is prescribed may self-administer. "Self-administered hormonal contraceptive" includes an oral hormonal contraceptive, a hormonal vaginal ring and a hormonal contraceptive patch.

**2. Authorization.** A pharmacist may prescribe, dispense or administer a self-administered hormonal contraceptive or injectable hormonal contraceptive in accordance with the requirements set forth in subsection 3.

**3. Requirements.** In order to prescribe, dispense or administer contraceptives under this section, a pharmacist shall:

A. Successfully complete a training program approved by the board related to prescribing, dispensing and administering contraceptives that reflects evidence-based medical eligibility guidelines for contraceptive use and best practices to counsel patients;

B. Obtain a certificate of authorization issued by the board pursuant to subsection 4;

C. Obtain a completed self-screening risk assessment from a patient prior to counseling the patient and issuing a prescription to the patient for a self-administered hormonal contraceptive or injectable hormonal contraceptive. The self-screening risk assessment and counseling provided by a pharmacist must be based on evidence-based medical eligibility guidelines for contraceptive use and best practices to counsel patients;

D. Refer the patient to the patient's practitioner upon dispensing a self-administered hormonal contraceptive or administering an injectable hormonal contraceptive or, if the patient does not have a practitioner responsible for the patient's regular care, advise the patient to consult a practitioner;

E. Provide the patient with a written record of the prescribed self-administered hormonal contraceptive or injectable hormonal contraceptive; and

F. Dispense the self-administered hormonal contraceptive or administer the injectable hormonal contraceptive to the patient as soon as practicable after the pharmacist issues the prescription.

**4. Certificate of authorization.** A pharmacist shall apply in the form prescribed by the board and submit a certificate fee as set forth in section 13724 for a certificate of authorization to prescribe, dispense and administer contraceptives pursuant to this section. The certificate of authorization expires and is subject to conditions in the same manner as in section 13734. The board shall issue a certificate of authorization to a pharmacist who holds a valid unrestricted license in this State and who submits evidence acceptable to the board that the pharmacist has completed the training described in subsection 3, paragraph A.

**5. Rulemaking.** The board shall adopt rules to implement the requirements of this section. Rules adopted 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 116  
H.P. 276 - L.D. 443**

**An Act to Prohibit Marriage of Any Person Under 17 Years of Age**

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

**Sec. 1. 19-A MRSA §652, sub-§7,** as amended by PL 2019, c. 340, §10, is further amended to read:

**7. Parties ~~under 18~~ who are 17 years of age.** A marriage license may not be issued to persons ~~under 18~~ who are 17 years of age without the written consent of their parents, guardians or persons to whom a court has given custody. In the absence of persons qualified to give consent, the judge of probate in the county where each minor resides may grant consent after notice and opportunity for hearing.

**Sec. 2. 19-A MRSA §652, sub-§8,** as amended by PL 2019, c. 340, §11 and c. 535, §1, is further amended to read:

**8. Parties under ~~16~~ 17 years of age.** The clerk or State Registrar of Vital Statistics may not issue a marriage license to a person under ~~16~~ 17 years of age.

See title page for effective date.

**CHAPTER 117  
S.P. 268 - L.D. 651**

**An Act to Amend the Standards for Manufactured Housing to Comply with United States Department of Housing and Urban Development Standards**

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

**Sec. 1. 30-A MRSA §4358, sub-§1, ¶A,** as amended by PL 1995, c. 625, Pt. A, §35, is further amended by amending subparagraph (1) to read:

(1) Those units constructed after June 15, 1976, commonly called "newer mobile homes," that the manufacturer certifies are constructed in compliance with the United

States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, that in the traveling mode are ~~14~~ 8 body feet or more in width and ~~40~~ body feet or more in length or, when erected on site, are ~~750~~ 320 or more square feet, and that are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit.

(a) This term also includes any structure that meets all the requirements of this subparagraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq.; and

See title page for effective date.

**CHAPTER 118  
H.P. 457 - L.D. 688**

**An Act to Protect Access to Veterinary Care by Prohibiting Noncompete Agreements**

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

**Sec. 1. 26 MRSA §599-A, sub-§3,** as enacted by PL 2019, c. 513, §1, is amended to read:

**3. Prohibited for certain workers.** Notwithstanding subsection 2, an employer may not require or permit an employee ~~earning wages at or below 400% of the federal poverty level~~ to enter into a noncompete agreement with the employer: if:

A. The employee is earning wages at or below 400% of the federal poverty level; or

B. The employee is a veterinarian licensed under Title 32, chapter 71-A and is employed in a veterinary facility in which the employee does not have an ownership interest.

A court may not enforce a noncompete agreement entered into or renewed with an employee who is a veterinarian licensed under Title 32, chapter 71-A before the effective date of this paragraph unless