

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.

Augusta, Maine
2023

A law enforcement agency as defined in Title 25, section 3701, subsection 1, a regional or county jail, a prison, a correctional facility as defined in Title 34-A, section 1001, subsection 6 or a municipal fire department as defined in Title 30-A, section 3151, subsection 1 is authorized to obtain a supply of naloxone hydrochloride to be administered or dispensed in accordance with this subsection. A law enforcement officer as defined in Title 17-A, section 2, subsection 17, in accordance with policies adopted by the law enforcement agency, a corrections officer, in accordance with policies adopted by the jail, prison or correctional facility, and a municipal firefighter as defined in Title 30-A, section 3151, subsection 2, in accordance with policies adopted by the municipality, may administer or dispense intranasal naloxone hydrochloride as clinically indicated if the law enforcement officer, corrections officer or municipal firefighter has received medical training in accordance with protocols adopted by the Medical Direction and Practices Board established in Title 32, section 83, subsection 16-B. The Medical Direction and Practices Board shall establish medical training protocols for law enforcement officers, corrections officers and municipal firefighters pursuant to this subsection.

Sec. 2. 22 MRSA §2353, sub-§3-A is enacted to read:

3-A. Authorized administration, dispensing and carrying of naloxone hydrochloride by law enforcement officers. A law enforcement agency as defined in Title 25, section 3701, subsection 1 is authorized to obtain a supply of naloxone hydrochloride to be administered or dispensed in accordance with this subsection. A law enforcement officer as defined in Title 17-A, section 2, subsection 17, in accordance with policies adopted by the law enforcement agency, may administer or dispense intranasal naloxone hydrochloride as clinically indicated if the law enforcement officer has received medical training in accordance with protocols adopted by the Medical Direction and Practices Board established in Title 32, section 83, subsection 16-B. A law enforcement officer who performs duties as a uniformed patrol officer, in accordance with policies adopted by the law enforcement agency, shall carry naloxone hydrochloride at all times when on duty, obtain medical training in accordance with protocols adopted by the Medical Direction and Practices Board and administer or dispense intranasal naloxone hydrochloride as clinically indicated. The Medical Direction and Practices Board shall establish medical training protocols for law enforcement officers pursuant to this subsection.

Sec. 3. Effective date. This Act takes effect January 1, 2024.

Effective January 1, 2024.

**CHAPTER 154
S.P. 421 - L.D. 1052**

An Act to Expand Good Samaritan Protections for Naloxone Hydrochloride Administration

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

Sec. 1. 22 MRSA §2353, sub-§5, ¶B, as enacted by PL 2015, c. 508, §4, is amended to read:

B. A person described in this section as being authorized to possess, obtain, store, administer or dispense naloxone hydrochloride, acting in good faith and with reasonable care, is immune from criminal and civil liability and is not subject to professional disciplinary action for possessing or providing to another person naloxone hydrochloride in accordance with this section or for administering naloxone hydrochloride in accordance with this section to an individual whom the person believes in good faith is experiencing an opioid-related drug overdose or for any outcome resulting from such actions.

Sec. 2. 22 MRSA §2353, sub-§5, ¶D is enacted to read:

D. A person not described in this section as being authorized to possess, obtain, store, administer or dispense naloxone hydrochloride, acting in good faith and with reasonable care, is immune from criminal and civil liability and is not subject to professional disciplinary action for providing to another person naloxone hydrochloride or for administering naloxone hydrochloride to an individual whom the person believes in good faith is experiencing an opioid-related drug overdose or for any outcome resulting from such actions.

See title page for effective date.

**CHAPTER 155
H.P. 768 - L.D. 1208**

An Act to Implement the Recommendations of the Right To Know Advisory Committee Concerning Time Estimates for Responding to Public Records Requests

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

Sec. 1. 1 MRSA §408-A, sub-§3, as amended by PL 2015, c. 317, §1, is further amended to read:

3. Acknowledgment; clarification; time estimate; cost estimate. The agency or official having custody or control of a public record shall acknowledge receipt of a request made according to this section within 5 working days of receiving the request and may request clarification concerning which public record or public records are being requested. Within a reasonable time of receiving the request, the agency or official shall provide a good faith, nonbinding estimate of the time frame within which the agency or official will comply with the request, ~~as well as~~ and a cost estimate as provided in subsection 9. The agency or official shall make a good faith effort to fully respond to the request within the estimated time frame. For purposes of this subsection, the date a request is received is the date a sufficient description of the public record is received by the agency or official at the office responsible for maintaining the public record. An agency or official that receives a request for a public record that is maintained by that agency but is not maintained by the office that received the request shall forward the request to the office of the agency or official that maintains the record, without willful delay, and shall notify the requester that the request has been forwarded and that the office to which the request has been forwarded will acknowledge receipt within 5 working days of receiving the request.

Sec. 2. 1 MRSA §408-A, sub-§8, ¶C, as enacted by PL 2011, c. 662, §5, is amended to read:

C. The agency or official may charge for the actual cost to convert a public record into a form susceptible of visual or aural comprehension or into a usable format and for the actual cost of a device used to store the public record if the storage device will be given to the requester by the agency or official.

Sec. 3. 1 MRSA §408-A, sub-§9, as enacted by PL 2011, c. 662, §5, is amended to read:

9. Estimate. The agency or official having custody or control of a public record subject to a request under this section shall provide to the requester an estimate of the time ~~necessary to complete~~ frame within which the agency or official will comply with the request and of the total cost as provided by subsection 8. If the estimate of the total cost is greater than ~~\$30~~ \$50, the agency or official shall inform the requester before proceeding. If the estimate of the total cost is greater than \$100, subsection 10 applies.

See title page for effective date.

**CHAPTER 156
H.P. 794 - L.D. 1246**

An Act to Include Endangered and Threatened Species Habitat in the Definition of "Significant Wildlife Habitat" Under the Natural Resources Protection Act

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

Sec. 1. 38 MRSA §480-B, sub-§10, ¶A, as amended by PL 2009, c. 561, §37, is further amended to read:

A. The following areas to the extent that they have been mapped by the Department of Inland Fisheries and Wildlife or are within any other protected natural resource: ~~habitat, as defined by the Department of Inland Fisheries and Wildlife, for species appearing on the official state or federal list of endangered or threatened animal species;~~ high and moderate value deer wintering areas and travel corridors as defined by the Department of Inland Fisheries and Wildlife; seabird nesting islands as defined by the Department of Inland Fisheries and Wildlife; and critical spawning and nursery areas for Atlantic salmon as defined by the Department of Marine Resources; and

Sec. 2. 38 MRSA §480-B, sub-§10, ¶B, as enacted by PL 2005, c. 116, §2, is amended to read:

B. Except for solely forest management activities, for which "significant wildlife habitat" is as defined and mapped in accordance with section 480-I by the Department of Inland Fisheries and Wildlife, the following areas that are defined by the Department of Inland Fisheries and Wildlife and are in conformance with criteria adopted by the Department of Environmental Protection or are within any other protected natural resource:

- (1) Significant vernal pool habitat;
- (2) High and moderate value waterfowl and wading bird habitat, including nesting and feeding areas; ~~and~~
- (3) Shorebird nesting, feeding and staging areas; and
- (4) Habitat for state endangered and state threatened species listed under Title 12, section 12803, subsection 3 that is within another protected natural resource area or that is located wholly or partly within the boundaries of a proposed project site that requires approval from;