

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature
1ST SPECIAL SESSION
JANUARY 2, 1974 TO MARCH 29, 1974
AND BY THE
One Hundred and Seventh Legislature
REGULAR SESSION
JANUARY 1, 1975 TO JULY 2, 1975

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH THE REVISED STATUTES OF 1964, TITLE 3,
SECTION 164, SUBSECTION 6.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1975

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature

1975

which have voted in favor of the operation of state stores under local option provisions and where there is no state store, retailers as special agency stores on an annual, seasonal or temporary basis for the purposes of selling liquor in sealed bottles, containers or original packages for consumption off the premises. The liquor shall be sold by the bureau, with the approval of the commission, to the special agency stores pursuant to section 204.

1. The State Liquor Commission shall establish rules and regulations for the selection and operation of the special agency retail stores. These rules and regulations shall include, but are not limited to, the following: Location of the special agency retail store, storage facilities for alcoholic beverages, the handling and sale of alcoholic beverages, the hours of operation, the segregation of intoxicating liquors from other goods in the special agency stores, the size and nature of the facilities of special agency stores for different quantities of intoxicating beverages to be sold, and any other rules and regulations that the State Liquor Commission deems necessary to carry out the purposes of this section.

The Bureau of Alcoholic Beverages shall, in accordance with Title 5, section 2351, give public notice that a state agency retail store may be established in a particular city, town or unorganized territory. The Bureau of Alcoholic Beverages shall request all interested parties in said city, town or unorganized territory to notify the Bureau of Alcoholic Beverages in regard to the establishment of a state agency retail store. The Bureau of Alcoholic Beverages shall provide all applicants with the necessary information for the establishment of a special agency retail store. The Bureau of Alcoholic Beverages shall conduct an investigation to determine the most feasible location and type of facility for the agency store, and any applicant denied a permit shall be given reasons for the permit refusal.

Any applicant aggrieved by a decision made by the Bureau of Alcoholic Beverages may appeal to the Administrative Court Judge in accordance with Title 5, chapters 301-307. If any person, firm, corporation or association is aggrieved by the decision of the Administrative Court Judge, he or she may appeal such decision to the Superior Court in accordance with the provisions of Title 5, chapter 307.

Effective October 1, 1975

CHAPTER 257

AN ACT to Permit Pharmacists to Advertise Drug Prices and to Provide Retail Price Posting Information to Pharmacies.

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

22 MRSA §§ 2204-D-2204-F are enacted to read:

§ 2204-D. Advertising

It shall be lawful for any pharmacy, pharmacist or other licensee of the Board of Commissioners of the Profession of Pharmacy to advertise to the public the current retail price he or she charges for any drugs, medicines or appliances as defined in 21 U.S.C. 3211 (g) (1) which bears the legend

“Caution: Federal law prohibits dispensing without prescription.” Such advertising may be according to either the brand name or the generic name of drugs, or both. No gifts, premiums, trading stamps or bonuses shall be associated with such advertising.

§ 2204-E. Exceptions

Advertising as described in section 2204-D shall be permitted except that:

1. No advertising on television shall be permitted;
2. No advertising of any drugs included in the Comprehensive Drug Abuse Prevention and Control Act of 1970, 84 Stat. 1236, shall be permitted; and
3. No advertising of hypodermic needles and hypodermic syringes shall be permitted.

§ 2204-F. Posting prices

Each licensed pharmacy shall maintain on its premises in a conspicuous place a price listing of those 100 drugs sold most frequently in the State during the previous year which bear the legend “Caution: Federal law prohibits dispensing without prescription.”

This price listing shall be prepared annually by the Board of Commissioners of the Profession of Pharmacy and shall be provided by the board to each licensed pharmacy in the State on or before September 1st. This price listing shall be prepared in accordance with the following specifications:

1. The list shall be of uniform size and shall be no smaller than 36 inches wide by 36 inches high;
2. The list shall include the name, strength and quantity of each drug and a space for the insertion of the current retail price of each drug by each licensed pharmacy;
3. The list shall include the professional services and nonprofessional convenience services provided by the pharmacy;
4. The list shall include the generic name of each drug;
5. The list shall be printed in type sufficiently large to be easily read; and
6. The list shall be compiled alphabetically.

Nothing contained in this section shall be construed as preventing a pharmacy from changing the current retail price of any drug at any time, provided that the listed price is simultaneously adjusted to reflect the new current retail price.