

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 6, 2006 to June 21, 2007**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 20, 2007**

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

---

---

**Penmor Lithographers**  
**Lewiston, Maine**  
**2007**

a manner consistent with a national fire incident reporting system.

**Sec. 3. 25 MRSA §2452, 2nd ¶**, as amended by PL 2003, c. 535, §3, is further amended to read:

Existing buildings licensed pursuant to Title 22, Subtitle 6 having more than 6 boarders, with the exception of board and care facilities and children's homes, must comply with any rules for ~~residential-custodial residential board and care facilities occupancies~~ required by the Commissioner of Public Safety, except that such existing facilities of not more than 2 stories in height are not required to be fire resistive, protected or unprotected noncombustible, protected wood frame or heavy timber construction. Such existing facilities must be protected by a complete approved automatic sprinkler system and meet all other requirements of ~~residential-custodial residential board and care facilities occupancies~~ as required by the Commissioner of Public Safety.

See title page for effective date.

## CHAPTER 83

### H.P. 198 - L.D. 227

#### An Act To Allow the Reimbursement of Motor Vehicle Excise Taxes in Certain Cases

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

**Sec. 1. 36 MRSA §1482, sub-§5, ¶D**, as amended by PL 1997, c. 175, §1, is repealed and the following enacted in its place:

D. If the credit available under this subsection exceeds the amount transferred to another vehicle, a municipality may choose, but is not required to refund the excess amount. If a municipality chooses to refund excess amounts it must do so in all instances where there is an excess amount.

See title page for effective date.

## CHAPTER 84

### S.P. 219 - L.D. 682

#### An Act To Allow Schools in the State To Self-insure for Fire, Property and Theft Insurance

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

**Sec. 1. 5 MRSA §1737, sub-§4**, as amended by PL 2003, c. 20, Pt. OO, §2 and affected by §4 and amended by c. 114, §2, is further amended to read:

**4. Directed services.** Notwithstanding the provisions of subsection 2, the director may provide insurance advice or services for family foster homes as defined in Title 22, section 8101, subsection 3; specialized children's homes, as defined in Title 22, section 8101, subsection 5; respite care providers as defined in Title 34-B, section 6201, subsection 2-A; the Casco Bay Island Transit District created by Private and Special Law 1981, chapter 22; the University of Maine System; the Maine Community College System; the Maine Maritime Academy; and the State's local workforce investment areas designated under the federal Workforce Investment Act of 1998, Public Law 105-220. The director may provide insurance services for public schools as defined in Title 20-A, section 1, subsection 24 if the provisions of subsection 2 are met. Notwithstanding subsection 2, the director may provide insurance advice for public schools.

See title page for effective date.

## CHAPTER 85

### S.P. 281 - L.D. 883

#### An Act To Allow a Self-pay Patient To Choose between Generic and Brand-name Medications

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

**Sec. 1. 32 MRSA §13781, 2nd ¶**, as amended by PL 2003, c. 384, §1 and c. 689, Pt. B, §6, is further amended to read:

Any Except with regard to a patient who is paying for a drug with the patient's own resources, any pharmacist receiving a prescription in which no handwritten check mark ( ) is found in the box provided shall substitute a generic and therapeutically equivalent drug for the drug specified on the prescription if the substituted drug is distributed by a business entity doing business in the United States that is subject to suit and the service of legal process in the United States and the price of the substituted drug does not exceed the price of the drug specified by the practitioner; except that, when the cost of a prescription is to be reimbursed under the MaineCare program pursuant to Title 22, chapter 855, the pharmacist shall substitute a generic and therapeutically equivalent drug only when the Department of Health and Human Services has determined that the substitute drug would be a more cost-effective alternative than the drug prescribed by the practitioner. Except for prescribed drugs listed under the Comprehensive Drug Abuse Prevention and