

MAINE STATE LEGISLATURE

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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

Control Act of 1970, 21 United States Code, Section 812, as amended, as Schedule II drugs, with regard to a patient who is paying for a drug with the patient's own resources, a pharmacist shall inquire about the patient's preference for either the brand-name drug or generic and therapeutically equivalent drug and dispense the drug that the patient prefers.

Sec. 2. 32 MRSA §13781, 3rd ¶, as amended by PL 2003, c. 384, §1 and c. 689, Pt. B, §6, is further amended to read:

¶ Except with regard to a patient who is paying for a drug with the patient's own resources, if a written prescription issued by a practitioner in this State does not contain the box described in this section, a pharmacist 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, unless a practitioner has handwritten on the prescription form, along with the practitioner's signature, "dispense as written," "DAW," "brand," "brand necessary" or "brand medically necessary"; 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 Control Act of 1970, 21 United States Code, Section 812, as amended, as Schedule II drugs, with regard to a patient who is paying for a drug with the patient's own resources, a pharmacist shall inquire about the patient's preference for either the brand-name drug or generic and therapeutically equivalent drug and dispense the drug that the patient prefers.

See title page for effective date.

CHAPTER 86

S.P. 208 - L.D. 671

**An Act To Amend the Laws
Dealing with the Posting of Gas
Prices**

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

Sec. 1. 10 MRSA §1661-B, sub-§1, as enacted by PL 1989, c. 83, §2, is amended to read:

1. Posting required. A retail seller of fuel to be used by vehicles on public highways shall ~~post the price~~ make clearly visible on each pump the price of the fuel available at that pump, either by posting a sign of no less than 64 square inches and in a manner that is clearly visible to a driver approaching the pump or by a price reading, digital or analog, built into the pump that must reflect the actual price of the fuel pumped. The pump must have a sign of no less than 64 square inches on it if either the price on the pump differs from the price posted on the roadside sign due to a difference in grade of fuel or service or the retailer does not have a roadside sign. On multi-grade pumps, the posted price shall must be for the lowest priced unleaded regular gasoline. The sign should posting must indicate the difference in price for full-service, mini-service and self-service if more than one grade of service is available at that pump.

See title page for effective date.

CHAPTER 87

S.P. 154 - L.D. 467

**An Act Regarding the
Protection and Advocacy
Agency Advisory Council**

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

Sec. 1. 5 MRSA §12004-I, sub-§47-A, as repealed and replaced by PL 1995, c. 462, Pt. A, §9, is repealed.

See title page for effective date.

CHAPTER 88

H.P. 518 - L.D. 687

**An Act To Clarify That a
Financial Institution Must
Recognize a Writ of Execution
To Satisfy a Creditor's Claims
to Business Accounts Held by
That Financial Institution**

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

Sec. 1. 9-B MRSA §427, sub-§10, as amended by PL 2001, c. 211, §12, is repealed and the following enacted in its place:

10. Adverse claim to deposit or account. Except as provided in Title 11, section 4-405, in Title 14, section 4751 and in Title 18-A, sections 6-107 and 6-112, notice to a financial institution authorized to do business in this State of an adverse claim to a deposit