

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

SECOND REGULAR SESSION
January 2, 2008 to March 31, 2008

FIRST SPECIAL SESSION
April 1, 2008 to April 18, 2008

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 2008

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 18, 2008

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

Penmor Lithographers
Lewiston, Maine
2008

ing parameters or other information indicates potential noncompliance with an air emission standard or if there are more stringent federal requirements, the department may require additional stack tests.

Sec. 7. Department of Environmental Protection to install air quality monitor in the Town of Bradley. The Department of Environmental Protection, or its designee, shall install, maintain and oversee one or more air quality monitors in the Town of Bradley for a period of no less than one year and no more than 2 years unless a violation of the laws governing ambient air standards is identified through such a monitor.

Sec. 8. Appropriations and allocations. The following appropriations and allocations are made.

**ENVIRONMENTAL PROTECTION,
DEPARTMENT OF**

Maine Environmental Protection Fund 0421

Initiative: Allocates funds for the installation and maintenance of air quality monitors in the Town of Bradley.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Capital Expenditures	\$0	\$75,000
	\$0	\$75,000
OTHER SPECIAL REVENUE FUNDS TOTAL		

Sec. 9. Effective date. This Act takes effect November 1, 2008.

Effective November 1, 2008.

CHAPTER 590

H.P. 321 - L.D. 405

An Act Regarding MaineCare Pharmacy Professional Fees

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

Sec. 1. 22 MRSA §3194 is enacted to read:

§3194. Report on cost of dispensing medication

The Office of MaineCare Services within the department shall biennially review and report to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs regarding the cost of dispensing a medication in the State. By July 1st of each even-numbered year, the

Office of MaineCare Services shall consider adjusting, through MaineCare rule amendment, the MaineCare pharmacy professional fee to reflect the cost of dispensing a medication in the State.

Sec. 2. MaineCare pharmacy professional fees. The Department of Health and Human Services, Office of MaineCare Services shall:

1. After implementation by the federal Centers for Medicare and Medicaid Services of the federal regulations setting new average manufacturer-price-based federal upper limits pursuant to the federal Deficit Reduction Act of 2005, review the projected impact of those regulations for fiscal years 2007-08 and 2008-09 on MaineCare pharmacy reimbursement for multiple source drugs. Within 90 days of implementation, the department shall report on the review to the joint standing committee of the Legislature having jurisdiction over health and human services matters; and

2. Within 15 days of the department's submitting the report under subsection 1 to the joint standing committee of the Legislature having jurisdiction over health and human services matters, adopt emergency rules that use any savings accruing to the MaineCare program from the new average manufacturer-price-based federal upper limits to adjust the professional fee paid to licensed pharmacies for dispensing multiple source drugs to MaineCare members. The purpose of this adjustment is to compensate pharmacies in the State for reimbursement projected to be lost throughout fiscal years 2007-08 and 2008-09 as a result of the new federal upper limits on MaineCare payments to pharmacies for multiple source drugs.

See title page for effective date.

CHAPTER 591

H.P. 1396 - L.D. 2012

An Act To Protect Children in Vehicles from Secondhand Smoke

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

Sec. 1. 22 MRSA §1549 is enacted to read:

§1549. Smoking in vehicles when minor under 16 years of age is present

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

A. "Motor vehicle" has the same meaning as in Title 29-A, section 101, subsection 42.