

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 28, 2011

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

Augusta, Maine
2011

2. Rulemaking. The department shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF (FORMERLY DHS)**

Medical Care - Payments to Providers 0147

Initiative: Appropriates and allocates funds for the costs of MaineCare reimbursement for 6 specific procedures provided by dental hygienists practicing independently effective October 1, 2012.

GENERAL FUND	2011-12	2012-13
All Other	\$0	\$54,320
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GENERAL FUND TOTAL	\$0	\$54,320
FEDERAL EXPENDITURES FUND	2011-12	2012-13
All Other	\$0	\$93,570
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FEDERAL EXPENDITURES FUND TOTAL	\$0	\$93,570

See title page for effective date.

CHAPTER 458

H.P. 272 - L.D. 346

An Act Regarding Pharmacy Reimbursement in MaineCare

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

Sec. 1. 22 MRSA §3173-C, sub-§2, as amended by PL 2007, c. 240, Pt. GGG, §1, is further amended to read:

2. Prescription drug services. Except as provided in this subsection and subsections 3 and 4, a payment of pharmacy shall charge a MaineCare member \$3.00 for each drug is to be collected from the MaineCare member for each drug prescription that is an approved MaineCare service. The department shall adopt and follow procedures to ensure compliance with the requirements of 42 United States Code, Section 1396o-1. A pharmacy that has followed the procedures adopted by the department to ensure compliance with the requirements of 42 United States Code, Section 1396o-1 may refuse to dispense the drug if the

copayment is not paid. Copayments must be capped at \$30 per month per member. If a member is prescribed a drug in a quantity specifically intended by the provider or pharmacist, for the recipient's health and welfare, to last less than one month, only one payment for that drug for that month is required.

Sec. 2. 22 MRSA §3173-C, sub-§8 is enacted to read:

8. Notification. The department shall notify each MaineCare member who is subject to the copayment requirement in subsection 2 of the copayment requirements, any exemptions and limitations prior to coding the member's information for required copayments and shall notify the member again during annual recertification of eligibility.

Sec. 3. Review of cost of dispensing a prescription drug; report. The Department of Health and Human Services shall review the cost of dispensing a prescription drug under the MaineCare program. By January 15, 2012, the department shall provide a report with recommendations to the Joint Standing Committee on Health and Human Services. In performing the review the department shall:

1. Provide opportunity for input to pharmacists and pharmacies licensed in the State and their representatives;
2. Consider changing copayments and dispensing fees under the MaineCare program;
3. Consider all recent federal studies of formulae for pharmacy reimbursement and information available from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services; and
4. Review current and pending pharmacy reimbursement formulae under federal Medicaid law.

Sec. 4. Effective date. Those sections of this Act that amend the Maine Revised Statutes, Title 22, section 3173-C, subsection 2 and enact Title 22, section 3173-C, subsection 8 take effect upon amendment and federal approval of the Medicaid state plan but no earlier than October 1, 2011.

See title page for effective date, unless otherwise indicated.

CHAPTER 459

S.P. 176 - L.D. 584

An Act To Appropriate Funds for the Maine Downtown Center

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

Sec. 1. Appropriations and allocations.
The following appropriations and allocations are made.

DEVELOPMENT FOUNDATION, MAINE

Development Foundation 0198

Initiative: Provides ongoing funds to support the statewide Main Street programs administered by the Maine Downtown Center beginning in fiscal year 2012-13.

GENERAL FUND	2011-12	2012-13
All Other	\$0	\$25,000
GENERAL FUND TOTAL	\$0	\$25,000

See title page for effective date.

CHAPTER 460

S.P. 403 - L.D. 1300

An Act To Create a Consolidated Liquor License and Amend the Laws Governing Agency Liquor Stores

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

Sec. 1. 28-A MRSA §453-A, sub-§9 is enacted to read:

9. Exception. Notwithstanding section 453, subsection 2-C, paragraph A, the bureau may issue an agency liquor store license to an applicant that has not held a license to sell malt liquor and wine for off-premises consumption for one year if the applicant is a branch of a chain retailer of which one or more locations has held a license to sell spirits without violating the provisions of this Title and the applicant, if licensed, will enhance the revenue to the State from the sale of spirits.

Sec. 2. 28-A MRSA §1010-A is enacted to read:

§1010-A. Class VIII licenses

1. Types of liquor that may be sold. A Class VIII licensee may sell malt liquor, wine and spirits to be consumed off the premises where sold.

2. Fees. The fees for a Class VIII license are as follows:

A. Full-time, one year, after payment of the initial agency liquor store license fee under section 453-B, \$775. The license may be prorated; and

B. A Class VIII license is not subject to the renewal fee under section 453-B.

3. Eligible premises. The following premises are eligible to obtain a Class VIII license:

A. Agency liquor store licensees with a qualifying stock of groceries, compatible merchandise or a combination of both.

Sec. 3. 28-A MRSA §1013 is enacted to read:

§1013. Underage drinking prevention

Beginning January 1, 2012, the bureau shall pay \$75 from each license fee collected under section 1010-A to the Treasurer of State to be credited to the Department of Health and Human Services, Office of Substance Abuse for the purpose of prevention of consumption of liquor by minors.

Sec. 4. Appropriations and allocations.
The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY BDS)

Office of Substance Abuse 0679

Initiative: Allocates funds for underage drinking prevention programs.

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
All Other	\$750	\$750
OTHER SPECIAL REVENUE FUNDS TOTAL	\$750	\$750

See title page for effective date.

CHAPTER 461

H.P. 530 - L.D. 719

An Act To Make Certain Prescription Drug Disclosure Laws Consistent with Federal Law

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

Sec. 1. 22 MRSA §1711-E, sub-§1-B, ¶C, as enacted by PL 2007, c. 460, §1, is amended to read:

C. The provisions of this section are narrowly and carefully tailored to address the findings listed in subsection 1-A, to achieve the State's purposes listed in this subsection and in conjunction with the following efforts to advance the State's compelling interests: