

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2012 to July 10, 2013

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 9, 2013

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

Augusta, Maine
2013

Fund unappropriated surplus no later than June 30, 2013.

Sec. FF-3. Lapsed balances; Office of Program Evaluation and Government Accountability, General Fund account. Notwithstanding any other provision of law, the State Controller shall lapse \$12,598 from the Personal Services line category in the Office of Program Evaluation and Government Accountability, General Fund account in the Office of Program Evaluation and Government Accountability to the General Fund unappropriated surplus no later than June 30, 2013.

PART GG

Sec. GG-1. Adjustment of reimbursement under the MaineCare program for services provided by certain clinicians. The Department of Health and Human Services shall amend the rules for reimbursement under the MaineCare program as set forth in Chapter 101: MaineCare Benefits Manual, Chapter II, Section 65: Behavioral Health Services. Beginning March 1, 2013, reimbursement rates must be reduced by 5% for services provided by licensed clinical professional counselors and licensed marriage and family therapists. Rules adopted pursuant to this section are routine technical rules as defined by the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved, except as otherwise indicated.

Effective March 6, 2013.

CHAPTER 2

H.P. 177 - L.D. 216

An Act To Extend the Hours for the Sale of Liquor on Sunday When St. Patrick's Day Is on a Sunday

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation needs to take effect before the expiration of the 90-day period in order to enhance business opportunities for establishments in connection with the upcoming observance of St. Patrick's Day; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preserva-

tion of the public peace, health and safety; now, therefore,

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

Sec. 1. 28-A MRSA §4, sub-§1, ¶A, as amended by PL 1995, c. 159, §1, is further amended to read:

A. Licensees may not sell liquor on Sunday between the hours of 6 a.m. and 9 a.m., except on March 17th.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective March 15, 2013.

CHAPTER 3

H.P. 24 - L.D. 26

An Act To Authorize the Commissioner of Inland Fisheries and Wildlife To Change a Fishing Season Opening Date Statewide

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

Sec. 1. 12 MRSA §12456, sub-§2, ¶A, as amended by PL 2009, c. 214, §6, is further amended to read:

A. A person who holds a valid Maine fishing license may take smelts for recreational purposes only from the inland waters or portions of inland waters that are naturally free of ice with a dip net in the usual and ordinary way from noon to 2:00 a.m. in accordance with bag limits established by rule. Bag limits established by rule under this paragraph are for a 24-hour period, beginning at noon on a given day and ending at 11:59 a.m. the following day. The commissioner may prohibit the taking of smelts under this section or shorten the noon to 2:00 a.m. smelt fishing timeframe by rule for enforcement or conservation purposes.

(1) A person may not keep more than 5 dozen smelts alive as part of that person's daily bag limit pursuant to this paragraph.

(2) A person may not take smelts with a dip net unless that dip net meets the requirements under section 10001, subsection 12-A.

Each day a person violates subparagraph (1) or (2) that person commits a Class E crime; and

Sec. 2. 12 MRSA §12456, sub-§2, ¶E is enacted to read:

E. In accordance with section 10104, the commissioner may change the established opening date of an open season if, in the commissioner's opinion, the change is necessary due to earlier-than-normal seasonal temperature changes or weather conditions.

See title page for effective date.

**CHAPTER 4
H.P. 95 - L.D. 113**

**An Act To Make Changes to
the Maine College Savings
Program**

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

Sec. 1. 20-A MRSA §11473, sub-§3, as amended by PL 2001, c. 380, §1, is further amended to read:

3. Application of program fund. Money in the program fund may be applied to carry out any power of the authority under or in connection with this chapter. All money in the program fund must be continuously applied by the authority to carry out this chapter and for no other purpose. Assets of the program fund must at all times be preserved, invested and expended only for the purposes of the program and must be held for the benefit of the participants and beneficiaries, including the refunding of fees paid by participants or any class of participants, the matching of contributions made by participants or any class of participants or the use of funds to provide scholarships to program account beneficiaries who attend institutions of higher education whether or not in the State. Assets may not be transferred or used by the State or the authority for any purposes other than the purposes of the program. ~~All~~ Notwithstanding the requirements of this subsection regarding the permissible uses of the money in the program fund, all amounts in the program fund, except for contributions and program earnings that have been credited to an account, may be used by the authority to pay the administrative costs of the program and program fund as well as costs associated with providing financial education for the benefit of students and families, as determined by the authority.

See title page for effective date.

**CHAPTER 5
H.P. 85 - L.D. 103**

**An Act To Correct an
Inconsistency in Maine's
Apprenticeship Laws**

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

Sec. 1. 26 MRSA §667, as amended by PL 1971, c. 620, §13, is repealed.

See title page for effective date.

**CHAPTER 6
S.P. 21 - L.D. 32**

**An Act To Expand the Types of
Vaccines That May Be
Administered by Pharmacists**

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

Sec. 1. 32 MRSA §13831, sub-§2, as amended by PL 2011, c. 577, §3, is further amended to read:

2. Administration of other vaccines. A pharmacist licensed in this State who meets the qualifications and requirements of section 13832 and rules adopted by the board, in addition to influenza vaccines under subsection 1, may administer vaccines licensed by the United States Food and Drug Administration that are recommended by the United States Centers for Disease Control and Prevention Advisory Committee on Immunization Practices, or successor organization, for administration to adults to a person 18 years of age or older according to a valid prescription when the person has an existing primary care physician or other existing relationship with a nurse practitioner or an authorized practitioner in this State. A pharmacist may administer vaccines licensed by the United States Food and Drug Administration that are outside the guidelines recommended by the United States Centers for Disease Control and Prevention Advisory Committee on Immunization Practices, or successor organization, to a person 18 years of age or older according to a valid prescription when the person has an existing primary care physician or other existing relationship with a nurse practitioner or an authorized practitioner in this State if the prescription specifically states that the vaccine is medically necessary. When the person does not have an existing relationship with a primary care physician, nurse practitioner or other practitioner in this State, the pharmacist may proceed to administer according to a treatment protocol established by an