

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

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TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2013

**CHAPTER 161
H.P. 340 - L.D. 498**

**An Act To Allow a
Municipality To Prohibit a Sex
Offender from Residing within
750 Feet of a Recreational
Facility**

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

Sec. 1. 30-A MRSA §3014, sub-§2, ¶B, as
reallocated by RR 2009, c. 1, §21, is amended to read:

B. A municipality may prohibit residence by a sex offender up to a maximum distance of 750 feet surrounding the real property comprising a public or private elementary, middle or secondary school or up to a maximum distance of 750 feet surrounding the real property comprising a municipally owned or state-owned property that is leased to a nonprofit organization for purposes of a park, athletic field or recreational facility that is open to the public where children are the primary users.

See title page for effective date.

**CHAPTER 162
H.P. 854 - L.D. 1210**

**An Act To Ensure Compliance
with the Laws Governing
Elections**

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

Sec. 1. 21-A MRSA §1003, sub-§1, as
amended by PL 2011, c. 389, §3, is further amended to read:

1. Investigations. The commission may undertake audits and investigations to determine ~~the facts concerning the registration of a candidate, treasurer, party committee, political action committee, ballot question committee or other political committee and contributions by or to and expenditures by a person, candidate, treasurer, party committee, political action committee, ballot question committee or other political committee~~ whether a person has violated this chapter, chapter 14 or the rules of the commission. For this purpose, the commission may subpoena witnesses and records whether located within or without the State and take evidence under oath. A person or entity that fails to obey the lawful subpoena of the commission or to testify before it under oath must be punished by the

Superior Court for contempt upon application by the Attorney General on behalf of the commission. The Attorney General may apply on behalf of the commission to the Superior Court or to a court of another state to enforce compliance with a subpoena issued to a nonresident person. Service of any subpoena issued by the commission may be accomplished by:

A. Delivering a duly executed copy of the notice to the person to be served or to a partner or to any officer or agent authorized by appointment or by law to receive service of process on behalf of that person;

B. Delivering a duly executed copy of the notice to the principal place of business in this State of the person to be served; or

C. Mailing by registered or certified mail a duly executed copy of the notice, addressed to the person to be served, to the person's principal place of business.

See title page for effective date.

**CHAPTER 163
H.P. 980 - L.D. 1372**

**An Act Relating to Proof of
Citizenship for Renewal of a
Driver's License or Nondriver
Identification Card**

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

Sec. 1. 29-A MRSA §1301, sub-§2-A, as enacted by PL 2007, c. 648, §1, is amended to read:

2-A. Legal presence requirement. The Secretary of State may not issue a license to an applicant unless the applicant presents to the Secretary of State valid documentary evidence of legal presence in the United States, except that the Secretary of State may exempt a person from the requirements of this subsection if that person is renewing a noncommercial driver's license and that person has continuously held a valid driver's license under this chapter since December 31, 1989 or was born before December 1, 1964.

Sec. 2. 29-A MRSA §1410, sub-§8, as enacted by PL 2007, c. 648, §3, is amended to read:

8. Legal presence requirement. The Secretary of State may not issue a nondriver identification card to an applicant unless the applicant presents to the Secretary of State valid documentary evidence of legal presence in the United States, except that the Secretary of State may exempt a person from the requirements of this subsection if that person has continuously held a nondriver identification card or valid driver's license

under this chapter since December 31, 1989 or was born before December 1, 1964.

See title page for effective date.

**CHAPTER 164
S.P. 483 - L.D. 1376**

An Act To Ensure the Choice of a Pharmacy for Injured Employees under the Workers' Compensation Act of 1992

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

Sec. 1. 39-A MRSA §206, sub-§11, as amended by PL 2007, c. 695, Pt. B, §24, is further amended to read:

11. Generic drugs. Providers shall prescribe generic drugs whenever medically acceptable for the treatment of an injury or disease for which compensation is claimed. An employee shall purchase generic drugs for the treatment of an injury or disease for which compensation is claimed if the prescribing provider indicates that generic drugs may be used and if generic drugs are available at the time and place of purchase under subsection 11-A. If an employee purchases a nongeneric drug when the prescribing provider has indicated that a generic drug may be used and a generic drug is available at the time and place of purchase, the insurer or self-insurer is required to reimburse the employee for the cost of the generic drug only. For purposes of this ~~section~~ subsection, "generic drug" has the same meaning found in Title 32, section 13702-A, subsection 14.

Sec. 2. 39-A MRSA §206, sub-§11-A is enacted to read:

11-A. Pharmacy choice. An employee who has been prescribed drugs for the treatment of an injury or disease for which compensation is claimed has the right to select the provider, pharmacy or pharmacist for dispensing and filling the prescription for the drugs.

For purposes of this subsection, "drug" has the same meaning as in Title 32, section 13702-A, subsection 11.

See title page for effective date.

**CHAPTER 165
H.P. 238 - L.D. 333**

An Act To Amend the Provision of Law That Requires the Trade Name or Brand of Malt Liquor To Be Displayed in Full Sight of a Customer on a Faucet, Spigot or Dispensing Apparatus

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

Sec. 1. 28-A MRSA §712, sub-§2, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed and the following enacted in its place:

2. Serve from faucet, spigot, dispensing apparatus by trade name. A licensee may not furnish or serve any malt liquor from any faucet, spigot or other dispensing apparatus, unless:

A. The trade name or brand of the malt liquor served appears in full sight of the customer in legible lettering upon the faucet, spigot or dispensing apparatus; or

B. The licensee displays a list of all malt liquors currently available on tap that is clearly visible to patrons of the establishment in a manner that allows a patron to identify the trade name or brand of the malt liquor that is being dispensed from each faucet, spigot or dispensing apparatus.

See title page for effective date.

**CHAPTER 166
H.P. 294 - L.D. 422**

An Act Regarding Enrollment and Graduation Rates of First-generation Higher Education Students

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

Sec. 1. 20-A MRSA §10013 is enacted to read:

§10013. Report on first-generation students

1. Data and strategies. By January 15, 2014, and annually thereafter, the Board of Trustees of the University of Maine System, the Board of Trustees of the Maine Community College System and the Board of Trustees of the Maine Maritime Academy shall each submit to the joint standing committee of the