

# 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.**

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**Augusta, Maine**  
**2013**

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

Legislature having jurisdiction over education matters a report that includes the following information regarding first-generation college students, as defined by the trustees of the respective institutions:

A. Data regarding enrollment of first-generation college students and educational outcomes, including graduation rates for first-generation college students compared with other college students;

B. A summary of strategies used and activities undertaken to increase enrollment and graduation rates of first-generation college students and any available data indicating the effect of those strategies and activities; and

C. Plans for or recommendations regarding new strategies or actions designed to increase enrollment and graduation rates of first-generation college students.

After receiving a report under this section, the committee may submit legislation relating to the subject matter of the report.

See title page for effective date.

## CHAPTER 167

### H.P. 335 - L.D. 485

#### An Act To Amend and Clarify Certain Education Laws

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

#### PART A

**Sec. A-1. 20-A MRSA §1466, sub-§5, ¶D,** as enacted by PL 2009, c. 580, §9, is amended to read:

D. In a warrant under paragraph C, the municipal officers shall direct that the polls are to be open ~~at~~ by 10 a.m. and remain open until 8 p.m.

**Sec. A-2. 20-A MRSA §1466, sub-§13,** as amended by PL 2011, c. 678, Pt. J, §4, is further amended to read:

**13. Determination of results; execution of agreement.** ~~If~~ Except for a school administrative district that was reformulated as a regional school unit pursuant to Public Law 2007, chapter 240, Part XXXX, section 36, subsection 12, if the commissioner finds that a majority of the voters voting on the article has voted in the affirmative and the total number of votes cast for and against the article equal or exceed 50% of the total number of votes cast in the municipality for Governor at the last gubernatorial election, the commissioner shall notify the municipal officers and the regional school unit board to take steps for the withdrawal in accordance with the terms of the agree-

ment for withdrawal. For a municipality that is part of a school administrative district that was reformulated as a regional school unit pursuant to Public Law 2007, chapter 240, Part XXXX, section 36, subsection 12, if the commissioner finds that at least 2/3 of the votes validly cast in the municipality are in the affirmative, the commissioner shall notify the municipal officers and the regional school unit board to take steps for the withdrawal in accordance with the terms of the agreement for withdrawal.

This subsection is repealed January 1, 2015.

**Sec. A-3. 20-A MRSA §6051, sub-§1, ¶I,** as amended by PL 2011, c. 678, Pt. A, §3, is further amended to read:

I. A determination of whether the school administrative unit has exceeded its authority to expend funds, as provided by the total budget summary article; ~~and~~

**Sec. A-4. 20-A MRSA §6051, sub-§1, ¶J,** as enacted by PL 2011, c. 678, Pt. A, §4, is amended to read:

J. A determination of whether the school administrative unit has complied with the applicable provisions of the unexpended balances requirements established under section 15004-; ~~and~~

**Sec. A-5. 20-A MRSA §6051, sub-§1, ¶K** is enacted to read:

K. A schedule of expenditures of federal awards.

#### PART B

**Sec. B-1. 20-A MRSA §15672, sub-§2-A, ¶A,** as enacted by PL 2005, c. 2, Pt. D, §36 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is amended to read:

A. Principal and interest costs for approved major capital projects in the allocation year, ~~including the initial local share of school construction projects that received voter approval for all or part of their funding in referendum in fiscal year 1984-85, but~~ excluding payments made with funds from state and local government accounts established under the federal Internal Revenue Code and regulations for disposition of excess, unneeded proceeds of bonds issued for a school project and excluding any principal and interest costs attributable to a school closed for lack of need pursuant to chapter 202;

**Sec. B-2. 20-A MRSA §15901, sub-§1, ¶D,** as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

D. The state board's intent to issue ~~final~~ design and funding approval subject to a favorable local vote and approval of final cost estimates.