

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**August 29, 2013**

**SECOND REGULAR SESSION**  
**January 8, 2014 to May 2, 2014**

**THE EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**EMERGENCY LAW IS**  
**SEPTEMBER 6, 2013**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 1, 2014**

**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**  
**2014**

Effective July 1, 2014.

**CHAPTER 444**

**H.P. 261 - L.D. 386**

**An Act To Reduce Tobacco-related Illness and Lower Health Care Costs in MaineCare**

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

**Sec. 1. 22 MRSA §3174-WW** is enacted to read:

**§3174-WW. Tobacco cessation**

**1. Coverage.** The department shall provide coverage for comprehensive tobacco cessation treatment to a MaineCare member who is 18 years of age or older or who is pregnant. Coverage must include, at a minimum:

A. Coverage for all pharmacotherapy that is approved by the federal Food and Drug Administration for tobacco dependence treatment or is recommended as effective in the United States Public Health Service clinical practice guideline on treating tobacco use and dependence; and

B. Coverage for tobacco cessation counseling, to be available in individual and group forms.

**2. Conditions of coverage.** Coverage under this section must be provided with no copayments or other out-of-pocket cost sharing, including deductibles. The department may not impose annual or lifetime dollar limits or annual or lifetime limits on attempts to quit and may not require a MaineCare member to participate in counseling to receive medications.

**3. Federal reimbursement.** The department shall pursue all opportunities to maximize available federal reimbursement, including available administrative Medicaid match rates for telephonic counseling services, federal pharmacology purchasing agreements or other opportunities to maximize state resources for tobacco cessation medications and services.

**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: Allocates funds for the reimbursement of smoking cessation products under the MaineCare program.

FEDERAL EXPENDITURES FUND	2013-14	2014-15
All Other	\$427,213	\$22,433
FEDERAL EXPENDITURES FUND TOTAL	\$427,213	\$22,433
FUND FOR A HEALTHY MAINE	2013-14	2014-15
All Other	\$264,014	\$14,014
FUND FOR A HEALTHY MAINE TOTAL	\$264,014	\$14,014

See title page for effective date.

**CHAPTER 445**

**S.P. 472 - L.D. 1353**

**An Act To Further Reduce Student Hunger**

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

**Sec. 1. 20-A MRSA §6602, sub-§1, ¶C,** as enacted by PL 2011, c. 379, §4, is amended to read:

C. A school administrative unit ~~may shall~~ participate in the federal summer food service program for children established in 42 United States Code, Section 1761 as required under this paragraph. The commissioner shall assist school administrative units subject to the requirements of this paragraph in developing a plan to participate in the federal summer food service program for children and in obtaining federal, state and private funds to pay for this program. Beginning with the ~~2011-2012~~ 2013-2014 school year, a school administrative unit with at least one public school in which ~~the percentage at least 50% of students who qualify~~ qualified for a free or reduced-price lunch is ~~determined to be equal to or greater than the minimum percentage established for eligibility under the National School Lunch Program described in paragraph A~~ may during the preceding school year shall participate in the federal summer