

# 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

food service program for children in accordance with 42 United States Code, Section 1761 during the following summer vacation, subject to the ~~following phase in schedule:~~ provisions of this paragraph.

~~(1) For the summer following the 2011-2012 school year, a school administrative unit with at least one public school in which at least 75% of students qualified for a free or reduced price lunch in the 2011-2012 school year may participate in the federal summer food service program;~~

~~(2) For the summer following the 2012-2013 school year, a school administrative unit with at least one public school in which at least 65% of students qualified for a free or reduced price lunch in the 2012-2013 school year may participate in the federal summer food service program; and~~

~~(3) For the summer following the 2013-2014 school year and each subsequent school year, a school administrative unit with at least one public school in which at least 50% of students qualified for a free or reduced price lunch in that school year may participate in the federal summer food service program.~~

A school administrative unit with a public school in which at least 50% of students qualified for a free or reduced-price lunch during the preceding school year shall operate a federal summer food service program in the area served by that public school during the following summer vacation if that public school operates a summer educational or recreational program. The school administrative unit is required to operate the federal summer food service program only on days that the public school operates the summer educational or recreational program. The school administrative unit may collaborate with a service institution to operate the federal summer food service program.

A school administrative unit with a public school in which at least 50% of students qualified for a free or reduced-price lunch during the preceding school year that does not operate a summer educational or recreational program shall collaborate with a service institution to operate a federal summer food service program if there is a service institution that provides food service to children in the summer in the area served by the public school.

Notwithstanding this paragraph, a school administrative unit that is required to operate a federal summer food service program may choose not to operate such a program if it determines by a vote of the governing body of the school administrative unit after notice and a public hearing that operat-

ing such a program would be financially or logistically impracticable.

For purposes of this paragraph, "service institution" means a public or private nonprofit school, a municipal or county government, a public or private nonprofit higher education institution or a private nonprofit summer camp.

See title page for effective date.

**CHAPTER 446**

**S.P. 679 - L.D. 1713**

**An Act To Permit the Sharing of Revenue from the Sale of Alcoholic Beverages at Sporting Events**

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

**Whereas**, professional sports teams provide valuable entertainment and economic benefits to the communities where they play; and

**Whereas**, professional sports teams are valuable partners with civic auditoriums and other arenas, which serve as anchor facilities in cities and towns across the State; and

**Whereas**, it is vital to ensure that arrangements between professional sports teams and civic auditoriums and other large arenas are mutually economically beneficial in order to maintain these important relationships, and in order to maximize the benefit this legislation needs to take effect as soon as possible; 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 preservation 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 §605, first ¶**, as amended by PL 2013, c. 345, §2, is further amended to read:

Except as otherwise provided in this section and section 608, ~~no~~ a license or any interest in a license may not be sold, transferred, assigned or otherwise subject to control by any person other than the licensee. If the business, or any interest in the business, in connection with which a licensed activity is conducted is sold, transferred or assigned, the license holder shall immediately send to the bureau the license and a