

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 3, 2014 to July 16, 2015**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 15, 2015**

**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**  
**2015**

the refilling of that prescription with the patient's other prescriptions;

B. May not deny coverage for the dispensing of a medication prescribed for the treatment of a chronic illness that is made in accordance with a plan developed by the carrier, the insured, the prescriber and a pharmacist to synchronize the filling or refilling of multiple prescriptions for the insured. The carrier shall allow a pharmacy to override any denial codes indicating that a prescription is being refilled too soon in order to synchronize the patient's prescriptions; and

C. May not use payment structures incorporating prorated dispensing fees. Dispensing fees for partially filled or refilled prescriptions must be paid in full for each prescription dispensed, regardless of any prorated copay for the insured or fee paid for alignment services.

2. Application; exclusion. The requirements of this section do not apply to a prescription for:

A. Solid oral doses of antibiotics; or

B. Solid oral doses that are dispensed in their original container as indicated in the federal Food and Drug Administration Prescribing Information or are customarily dispensed in their original packaging to assist a patient with compliance.

**Sec. 2. Application.** The requirements of this Act apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2016. For purposes of this Act, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

See title page for effective date.

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**CHAPTER 94**

**H.P. 636 - L.D. 916**

**An Act To Establish a Private Support Organization for the Maine Commission for Community Service**

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

**Sec. 1. 5 MRSA §7505 is enacted to read:**

**§7505. Private support organization**

**1. Designation of private support organization.** The executive director of the commission, with the consent of the voting members of the commission, shall designate a nonprofit corporation as the private support organization for the commission. The non-

profit corporation must be incorporated under the laws of this State and for purposes that are consistent with the goals, objectives, programs, responsibilities and functions of the commission.

The commission's private support organization must be organized and operated exclusively to receive, hold, invest and administer property and funds and to make expenditures to and for the benefit of the commission.

**2. Board of directors.** A member of the private support organization's board of directors may not also be a member of the commission. The executive director of the commission, or the executive director's designee, shall serve as a nonvoting ex-officio member of the private support organization's board of directors.

**3. Scope of work.** The private support organization shall operate under a memorandum of understanding negotiated annually by the commission that outlines a plan of work consistent with the purposes and goals of the commission and shall submit an annual budget for review and approval by the commission by June 1st.

The memorandum of understanding must further stipulate the reversion to the commission, or to the State if the commission ceases to exist, of money and property held in trust by the private support organization if the private support organization is no longer designated by the commission pursuant to subsection 1.

**4. Use of property.** The commission may authorize the private support organization to use the commission's facilities, equipment and other property, except money, in keeping with the purposes of the private support organization.

See title page for effective date.

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**CHAPTER 95**

**S.P. 141 - L.D. 373**

**An Act To Allow a Moose Permit To Be Transferred to a Family Member**

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

**Sec. 1. 12 MRSA §11154, sub-§15 is enacted to read:**

**15. Moose permit transfer; family members.** The commissioner, in cases involving exceptional extenuating circumstances as determined by the commissioner, may authorize a person who holds a valid moose permit to transfer that permit to a family member who meets the eligibility and permit requirements

under this section and who is not otherwise prohibited from holding the moose permit. A transferor and a transferee are subject to the elimination of any accumulated points under subsection 8 and the 3-year ineligibility period under subsection 5. For purposes of this subsection, "family member" means the transferor's spouse, child, stepchild, grandchild, parent, grandparent, stepparent, brother, sister, half-sister, half-brother or adopted child.

The commissioner shall adopt rules to implement this subsection and may establish a transfer fee to recover administrative costs associated with transferring moose permits. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

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**CHAPTER 96**

**H.P. 355 - L.D. 516**

**An Act Regarding Gaming**

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

**Whereas,** the laws governing the Maine State Lottery are vague with regard to the authority of the State Liquor and Lottery Commission to conduct certain games of chance; and

**Whereas,** the Legislature should have the opportunity to provide input if the commission intends to offer games of chance to the public in a manner substantially different from the way lottery tickets and shares are currently sold to the public; and

**Whereas,** information has been presented that indicates the commission intends, within the next 6 months, to offer games of chance in a manner substantially different from the way lottery tickets and shares are currently sold; 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. 8 MRSA §374, first ¶,** as enacted by PL 1987, c. 505, §2, is amended to read:

The commission shall meet with the director, not less than once each month, to ~~promulgate~~ adopt and amend rules, subject to the approval of the commissioner, relating to the lotteries; to make recommenda-

tions and set policy for state lotteries and to transact other business that may be properly brought before the commission. A lottery under this section may include, but is not limited to, a draw game in which the prize paid to a winning player is calculated as a share of the prize pool. A lottery may not include a draw game that has more than 5 daily drawings and that pays a player a set prize amount based on the wager made by the player and in which the operator keeps all losing wagers, as with the draw game commonly known as keno. Rules adopted by the commission shall must be adopted in a manner consistent with the Maine Administrative Procedure Act, Title 5, chapter 375.

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

Effective May 20, 2015.

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**CHAPTER 97**

**H.P. 53 - L.D. 59**

**An Act To Protect Students' Rights and Privacy Regarding Their School Records**

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

**Sec. 1. 20-A MRSA §6001, sub-§1,** as amended by PL 2003, c. 181, §3, is further amended to read:

**1. Federal and state law.** The provisions of this section, the United States Family Educational Rights and Privacy Act of 1974, Public Law 93-380, as amended by Public Law 93-568, and the ~~United States Education of All Handicapped Children Act, Public Law 94-142~~ federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq., as amended, govern the dissemination of education records and personally identifiable information about students in public schools, private schools approved by the department pursuant to chapter 117 and private schools recognized by the department as providing equivalent instruction pursuant to section 5001-A, subsection 3, paragraph A, subparagraph (1), division (b), as well as written notices of intent to provide equivalent instruction through home instruction and all education records of students receiving equivalent instruction through home instruction.

**Sec. 2. Penalty.** Not later than January 15, 2016, the Commissioner of Education shall report back to the Joint Standing Committee on Education and Cultural Affairs with recommendations for an appropriate penalty for a violation of the Maine Revised Statutes, Title 20-A, section 6001, subsection 1, including any necessary implementing legislation.