

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 6, 2016 to April 29, 2016**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 29, 2016**

**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**  
**2016**

(1) If the appeal is upheld, the pharmacy benefits manager shall make the appropriate adjustment in the maximum allowable cost and permit the challenging pharmacy or pharmacist to reverse and rebill the claim in question; or

(2) If the appeal is denied, the pharmacy benefits manager shall provide the challenging pharmacy or pharmacist the national drug code from national or regional wholesalers of a comparable prescription drug that may be purchased at or below the maximum allowable cost.

G. The requirements of this subsection apply to contracts between a pharmacy and a pharmacy benefits manager executed or renewed on or after September 1, 2016.

See title page for effective date.

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**CHAPTER 451**

**S.P. 646 - L.D. 1605**

**An Act To Extend the Time for  
Commencing an Action  
Relating to Death Caused by  
Homicide**

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

**Sec. 1. 18-A MRSA §2-804, sub-§(b)**, as amended by PL 2009, c. 180, §1, is further amended to read:

(b). Every wrongful death action must be brought by and in the name of the personal representative of the deceased person. The amount recovered in every wrongful death action, except as otherwise provided, is for the exclusive benefit of the surviving spouse if no minor children, of the children if no surviving spouse, one-half for the exclusive benefit of the surviving spouse and one-half for the exclusive benefit of the minor children to be divided equally among them if there are both surviving spouse and minor children and to the deceased's heirs to be distributed as provided in section 2-106 if there is neither surviving spouse nor minor children. The jury may give damages as it determines a fair and just compensation with reference to the pecuniary injuries resulting from the death and in addition shall give such damages that will compensate the estate of the deceased person for reasonable expenses of medical, surgical and hospital care and treatment and for reasonable funeral expenses. In addition, the jury may give damages not exceeding \$500,000 for the loss of comfort, society and companionship of the deceased, including any damages for emotional distress arising from the same

facts as those constituting the underlying claim, to the persons for whose benefit the action is brought. The jury may also give punitive damages not exceeding \$250,000. An action under this section must be commenced within 2 years after the decedent's death, except that if the decedent's death is caused by a homicide, the action may be commenced within 6 years of the date the personal representative of the decedent discovers that there is a just cause of action against the person who caused the homicide. If a claim under this section is settled without an action having been commenced, the amount paid in settlement must be distributed as provided in this subsection. A settlement on behalf of minor children is not valid unless approved by the court, as provided in Title 14, section 1605.

**Sec. 2. Application.** This Act applies to wrongful death actions under the Maine Revised Statutes, Title 18-A, section 2-804, subsection (b) that, as of the effective date of this Act, have not yet been barred by the statute of limitations in force immediately prior to the effective date of this Act.

See title page for effective date.

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**CHAPTER 452**

**H.P. 652 - L.D. 949**

**An Act To Enact the  
Recommendations of the  
Commission on Independent  
Living and Disability**

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

**Sec. 1. 5 MRSA §19505, sub-§3**, as enacted by PL 1989, c. 837, §1, is amended to read:

**3. Pursuit of remedies.** The agency may pursue administrative, legal and other appropriate remedies on behalf of persons with disabilities. The agency has standing to file a civil action for alleged violations of chapter 337, subchapter 5 in Superior Court. Notwithstanding section 4622, subsection 1, the agency may be awarded reasonable attorney's fees and costs as provided in section 4614.

**Sec. 2. 26 MRSA §1412-I** is enacted to read:

**§1412-I. Strategic planning report**

**1. Annual report.** In addition to its existing duties, the Statewide Independent Living Council, established pursuant to 29 United States Code, Sections 796 to 796f (1999) and administered by the Bureau of Rehabilitation Services, shall, beginning January 15, 2017, provide an annual report to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint stand-

ing committee of the Legislature having jurisdiction over labor and economic development matters on the State's strategic planning efforts related to the ability of persons with disabilities to live independently, including but not limited to:

A. Efforts to increase opportunities for persons with disabilities to live independently within the community;

B. The effectiveness and coordination of programs and services designed to support independent living efforts;

C. Efforts to improve vocational rehabilitation outcomes and efficiency in the development of individualized plans of employment with individuals eligible to receive rehabilitation services;

D. Efforts to improve transition planning for students with disabilities by adding independent living assessments and strategies to prepare for post-secondary education;

E. Efforts to ensure that new public buildings and public accommodations are accessible by persons with disabilities and to encourage the adoption of building codes that meet the most recent federal Americans with Disabilities Act of 1990 accessibility guidelines;

F. Efforts to increase awareness of all available housing that is accessible and usable by persons with disabilities; and

G. Any recommendations for improvement in the delivery of services to persons with disabilities.

**Sec. 3. Statewide Independent Living Council to convene a working group; develop statewide transportation voucher program.**

The Statewide Independent Living Council, established pursuant to 29 United States Code, Sections 796 to 796f and administered by the Department of Labor, Bureau of Rehabilitation Services, shall convene a working group to develop a proposal for a statewide transportation voucher program for persons with disabilities. Members of the working group must include representatives from the Department of Transportation, the Department of Health and Human Services, the Department of Labor and a statewide agency administering centers for independent living. The working group shall examine the flexibility of federal funding and matching funds sources, consult with the University of Montana Research and Training Center on Disability in Rural Communities for assistance in developing the proposal and submit its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over transportation matters, the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over labor, commerce,

research and economic development matters no later than December 15, 2016. The joint standing committee of the Legislature having jurisdiction over health and human services matters may report out a bill regarding this subject matter to the First Regular Session of the 128th Legislature.

See title page for effective date.

**CHAPTER 453**

**S.P. 624 - L.D. 1573**

**An Act To Improve Hospital Governance by Clarifying the Requirement for a Certificate of Need for Intracorporation Transfers**

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

**Sec. 1. 22 MRSA §329, sub-§1**, as enacted by PL 2001, c. 664, §2, is amended to read:

**1. Transfer of ownership; acquisition by lease, donation, transfer; acquisition of control.** Any transfer of ownership or acquisition under lease or comparable arrangement or through donation or any acquisition of control of a health care facility under lease, management agreement or comparable arrangement or through donation that would have required review if the transfer or acquisition had been by purchase, except in emergencies when that acquisition of control is at the direction of the department or except if the transfer of ownership or acquisition of control involves only entities or health care facilities that are direct or indirect subsidiaries of the same parent corporation, is between a parent corporation and its direct or indirect subsidiaries or is between entities or health care facilities all under direct or indirect ownership of or ultimate control by the same parent corporation immediately prior to the transfer or acquisition;

See title page for effective date.

**CHAPTER 454**

**H.P. 1062 - L.D. 1559**

**An Act To Encourage Roller Derby**

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

**Sec. 1. 8 MRSA §606, sub-§2**, as enacted by PL 1991, c. 124, is amended to read:

**2. Control.** Each skater shall maintain control of the skater's speed and course at all times when skating