

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 1998 to June 19, 1999**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 18, 1999**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1999**

rebates received from the pharmaceutical manufacturers. The department may not spend more for the administrative costs and associated computer costs of this program than it spends on the elderly low-cost drug program.

**7. Obligation of retail pharmacies in State.**

The obligation of retail pharmacies to discount drugs to qualifying residents begins 3 months after the drug manufacturer begins to pay the rebate to the department.

**8. Dedicated fund.** There is established the Prescription Drug Dedicated Fund, referred to in this section as the "fund," to receive revenue from manufacturers who pay rebates as provided in subsection 1, to reimburse retail pharmacies for discounts provided to residents pursuant to subsections 3 and 4, to reimburse the department for administrative and associated computer costs and to pay other reasonable program costs. The fund is a nonlapsing dedicated fund. Interest on fund balances accrues to the fund. Surplus funds in the fund must be used to increase the amount of discounts given to residents under the program.

**9. Annual summary report.** The department shall report the status of the program to the Legislature on an annual basis. The report must include information on changes in 3rd-party prescription drug coverage and the financial status of the program.

**10. Qualifying resident.** Qualifying resident, also referred to in this section as a "resident," means a legal resident of this State who does not have 3rd-party prescription drug coverage.

**11. Participating retail pharmacy.** Participating retail pharmacy, also referred to in this section as a "retail pharmacy," means a retail pharmacy located in this State, or another business licensed to dispense prescription drugs in this State, that voluntarily elects to participate in the program and that provides discounts to residents as provided in subsection 3.

**12. Rulemaking.** The department shall adopt rules to implement the provisions of this section. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.

**Sec. 2. Authorization.** The Department of Human Services is authorized to receive rebates from drug manufacturers under the Maine resident low-cost prescription drug program, Maine Revised Statutes, Title 22, section 254-B, beginning February 1, 2000 or as soon thereafter as rules are adopted to implement the program.

**Sec. 3. Allocation.** The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	1999-00	2000-01
<b>HUMAN SERVICES, DEPARTMENT OF</b>		
Prescription Drug Dedicated Fund		
All Other	\$2,500,000	\$10,000,000
Provides funds to establish a program to provide low-cost prescription drugs to Maine residents who are not covered by 3rd-party prescription drug plans.		

See title page for effective date.

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## CHAPTER 432

### H.P. 1577 - L.D. 2224

#### An Act to Clarify the Definitions of "Contribution" and "Expenditure" under the Campaign Finance Laws

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

**Sec. 1. 21-A MRSA §1012, sub-§2, ¶B,** as enacted by PL 1985, c. 161, §6, is amended to read:

B. Does not include:

- (1) The value of services provided without compensation by individuals who volunteer a portion or all of their time on behalf of a candidate or political committee;
- (2) The use of real or personal property and the cost of invitations, food and beverages, voluntarily provided by an individual to a candidate in rendering voluntary personal services for candidate-related activities, if the cumulative value of these activities by the individual on behalf of any candidate does not exceed \$50 with respect to any election;
- (3) The sale of any food or beverage by a vendor for use in a candidate's campaign at a charge less than the normal comparable charge, if the charge to the candidate is at least equal to the cost of the food or beverages to the vendor and if the cumulative value of the food or beverages does not exceed \$50 with respect to any election;

(4) Any unreimbursed travel expenses incurred and paid for by an individual who volunteers ~~his~~ personal services to a candidate, if the cumulative amount of these expenses does not exceed \$50 with respect to any election; ~~or~~

(5) The payment by a party's state, district, county or municipal committee of the costs of preparation, display or mailing or other distribution incurred by the committee with respect to a printed slate card, sample ballot or other printed listing of 3 or more candidates for any political office;

(6) Documents, in printed or electronic form, including party platforms, single copies of issue papers, information pertaining to the requirements of this Title and lists of registered voters, created or maintained by a political party for the general purpose of party building and provided to a candidate who is a member of that party;

(7) Compensation paid by a political party to an employee of that party for the following purposes:

(a) Providing advice to any one candidate for a period of no more than 20 hours in any election;

(b) Recruiting and overseeing volunteers for campaign activities involving 3 or more candidates; or

(c) Coordinating campaign events involving 3 or more candidates;

(8) Campaign training sessions provided to 3 or more candidates;

(9) The use of offices, telephones, computers and similar equipment when that use does not result in additional cost to the provider; or

(10) Activity or communication designed to encourage individuals to register to vote or to vote if that activity or communication does not mention a clearly identified candidate.

**Sec. 2. 21-A MRSA §1012, sub-§3, ¶B,** as enacted by PL 1985, c. 161, §6, is amended to read:

B. Does not include:

(1) Any news story, commentary or editorial distributed through the facilities of any broadcasting station, newspaper, magazine or other periodical publication, unless the

facilities are owned or controlled by any political party, political committee or candidate;

(2) ~~Nonpartisan activity~~ Activity or communication designed to encourage individuals to register to vote or to vote if that activity or communication does not mention a clearly identified candidate;

(3) Any communication by any membership organization or corporation to its members or stockholders, if that membership organization or corporation is not organized primarily for the purpose of influencing the nomination or election of any person to state or county office;

(4) The use of real or personal property and the cost of invitations, food and beverages, voluntarily provided by an individual to a candidate in rendering voluntary personal services for candidate-related activities, if the cumulative value of these activities does not exceed \$50 with respect to any election;

(5) Any unreimbursed travel expenses incurred and paid for by an individual who volunteers ~~his~~ personal services to a candidate, if the cumulative amount of these expenses does not exceed \$50 with respect to any election;

(6) Any communication by any person ~~which~~ that is not made for the purpose of influencing the nomination for election, or election, of any person to state or county office;

(7) The payment by a party's state, district, county or municipal committee of the costs of preparation, display or mailing or other distribution incurred by the committee with respect to a printed slate card or sample ballot, or other printed listing, of 3 or more candidates for any political office for which an election is held; ~~or~~

(8) The use or distribution of any communication, as described in section 1014, prepared for a previous election and fully paid for during that election campaign which was not used or distributed in that previous election;

(9) Documents, in printed or electronic form, including party platforms, single copies of issue papers, information pertaining to the requirements of this Title and lists of registered voters, created or main-

tained by a political party for the general purpose of party building and provided to a candidate who is a member of that party;

(10) Compensation paid by a political party to an employee of that party for the following purposes:

(a) Providing advice to any one candidate for a period of no more than 20 hours in any election;

(b) Recruiting and overseeing volunteers for campaign activities involving 3 or more candidates; or

(c) Coordinating campaign events involving 3 or more candidates;

(11) Campaign training sessions provided to 3 or more candidates; or

(12) The use of offices, telephones, computers and similar equipment when that use does not result in additional cost to the provider.

See title page for effective date.

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**CHAPTER 433**

**H.P. 69 - L.D. 82**

**An Act to Amend the Laws Prohibiting Terrorizing**

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

**Sec. 1. 17-A MRSA §210, sub-§1,** as amended by PL 1977, c. 671, §§23 and 24, is further amended to read:

**1.** A person is guilty of terrorizing if ~~he~~ that person communicates to any person a threat to commit or to cause to be committed a crime of violence dangerous to human life, against the person to whom the communication is made or another, and the natural and probable consequence of such a threat, whether or not such consequence in fact occurs, is:

A. To place the person to whom the threat is communicated or the person threatened in reasonable fear that the crime will be committed; or

B. To cause evacuation of a building, place of assembly or facility of public transport or to cause the occupants of a building to be moved to

or required to remain in a designated secured area.

See title page for effective date.

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**CHAPTER 434**

**S.P. 110 - L.D. 307**

**An Act to Establish the Crime of Aggravated Criminal Trespass**

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

**Sec. 1. 17-A MRSA §402-A** is enacted to read:

**§402-A. Aggravated criminal trespass**

**1.** A person is guilty of aggravated criminal trespass if, knowing that that person is not licensed or privileged to do so, that person enters a dwelling place and:

A. While in the dwelling place violates any provision of chapter 9 or chapter 11; or

B. At the time of the offense, has 2 prior convictions for burglary in a dwelling place or criminal trespass in a dwelling place. For purposes of this paragraph, the dates of the prior convictions must precede the commission of the offense by no more than 10 years. The date of a conviction is deemed to be the date that sentence is imposed, even though an appeal was taken. The date of a commission of a prior offense is presumed to be that stated in the complaint, information, indictment or other formal charging instrument, notwithstanding the use of the words "on or about" or the equivalent.

**2.** Aggravated criminal trespass is a Class C crime.

See title page for effective date.

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**CHAPTER 435**

**H.P. 688 - L.D. 944**

**An Act to Protect Victims of Crimes in the Workplace**

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

**Sec. 1. 26 MRSA §850** is enacted to read: