

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

*State Of Maine
121st Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Health and Human Services*

July 2003

Staff:

*Jane Orbeton, Senior Analyst
Lucia Nixon, Legislative Analyst*

*Office of Policy and Legal Analysis
13 State House Station
Augusta, ME 04333
(207) 287-1670*

Members:

*Sen. Michael F. Brennan, Chair
Sen. John L. Martin
Sen. Carol Weston*

*Rep. Thomas J. Kane, Chair
Rep. Edward R. Dugay
Rep. Marie Laverriere-Boucher
Rep. Margaret M. Craven
Rep. William M. Earle
Rep. William R. Walcott
Rep. Thomas F. Shields
Rep. Darlene J. Curley
Rep. James J. Campbell, Sr.
Rep. Sarah O. Lewin*

Maine State Legislature



Office Of Policy And Legal Analysis Office Of Fiscal And Program Review

121st Maine Legislature First Regular Session

Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint select committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills considered by the committees. It is arranged alphabetically by committee name and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

<i>CARRIED OVER PURSUANT TO HP 1212</i>	<i>Bills carried over to the 2nd Regular Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>OTP-ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PASSED</i>	<i>Joint Order passed in both bodies</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

Please note that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

David C. Elliott, Director
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on Health and Human Services

LD 241 **Resolve, To Require Electronic Transmission of Prior Authorization Requests in the MaineCare Program** **ONTP**

<u>Sponsor(s)</u> MARRACHE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
-------------------------------	--	---------------------------------	--	---------------------------

LD 241 proposed to require the Department of Human Services to adopt rules that establish a program that gives the department the capability of receiving and responding electronically to requests for services under the MaineCare program from physician offices.

LD 254 **An Act To Require Full Disclosure of Prescription Drug Marketing Costs** **PUBLIC 430**

<u>Sponsor(s)</u> KANE TREAT		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u> H-465
------------------------------------	--	---	--	------------------------------------

LD 254 proposed to require prescription drug manufacturers and labelers whose drugs are dispensed to state residents to file annual reports with the Department of Human Services regarding their expenses for marketing their drugs. The bill proposed to require the department to file an annual report with the Legislature and the Attorney General regarding the information filed and a biennial report that contains analysis of information and recommendations. The bill proposed to continue the confidentiality of trade information that is protected under state and federal law. The bill proposed to provide for a fine of \$10,000 for failure to report as required. The bill proposed to provide for rulemaking by the department and contained an effective date of January 1, 2004.

Committee Amendment "A" (H-465) proposed to exempt from the reporting requirements advertising purchased for a regional or national market, change the fine from \$10,000 to \$1,000 and change the effective date to July 1, 2004. The amendment proposed to add a requirement that the Department of Human Services report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 1, 2005 and July 1, 2005 regarding assessment of fees on prescription drug manufacturers and labelers and the use of those fees to support the work of the department.

Enacted Law Summary

Public Law 2003, chapter 430 requires prescription drug manufacturers and labelers whose drugs are dispensed to state residents to file annual reports with the Department of Human Services regarding their expenses for marketing their drugs. The law requires the department to file an annual report with the Legislature and the Attorney General regarding the information filed and a biennial report that contains analysis of information and recommendations. The law continues the confidentiality of trade information that is protected under state and federal law. The law provides for a fine of \$1,000 for failure to report as required. The law provides for rulemaking by the department and contains an effective date of July 1, 2004. The law directs the Department of Human Services to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 1, 2005 and July 1, 2005 regarding assessment of fees on prescription drug manufacturers and labelers and the use of those fees to support the work of the department.