

# MAINE STATE LEGISLATURE

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*State Of Maine  
121st Legislature*

*First Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Health and Human Services*

*July 2003*

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# 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](http://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 2<sup>nd</sup> 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 &amp; 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&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; 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.

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## *Joint Standing Committee on Health and Human Services*

who would appoint 5 and 6 members respectively. The amendment proposed to authorize the task force to hold up to 4 meetings. It also proposed to allow public members of the task force to receive a per diem upon a demonstration of financial hardship and to change the reporting date from December 10, 2003 to December 3, 2003.

### ***Enacted Law Summary***

Resolve 2003, chapter 84 establishes the Task Force to Study the Needs of Deaf and Hard-of-hearing Children and Adolescents. The task force is composed of 4 legislators, 11 members of the public, the Commissioner of Human Services, the Commissioner of Education and the Commissioner of Behavioral and Developmental Services. The task force is authorized to meet up to 4 times and is required to submit a report, including suggested legislation, to the 2<sup>nd</sup> Regular Session of the 121<sup>st</sup> Legislature no later than December 3, 2003.

### **LD 554**

### **An Act To Protect Against Unfair Prescription Drug Practices**

**PUBLIC 456**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM MAJ	S-204
LEMOINE	ONTP MIN	

LD 554 proposed to specify the fiduciary duties of pharmacy benefits managers and the obligation to serve the covered entities with whom they contract and the covered individuals provided health care benefits by the covered entities. The bill proposed to prohibit contractual terms that are inconsistent with the pharmacy benefits manager's fiduciary duties. The bill proposed to require payment to a pharmacy benefits manager based on volume of certain drugs or as a result of substitution of drugs to be passed on to the covered entity or covered individuals. The bill proposed to require disclosure of financial terms that apply between a pharmacy benefits manager and a manufacturer or labeler. The bill proposed to require consultation with and agreement of the prescribing health professional or a representative of that professional before a pharmacy benefits manager may switch a prescription drug to be dispensed to a covered individual. The bill proposed to prohibit agreements to waive provisions of the law. Violations of the law would be violations of the Maine Unfair Trade Practices Act and would be enforceable by private action or the Attorney General.

**Committee Amendment "A" (S-204)** proposed to make the following changes in the bill:

1. Remove references to the Employee Retirement Income Security Act of 1974.
2. Remove the requirement that payments to the pharmacy benefits manager based on volume of sales be passed on to the covered individual and retains the requirement that they be passed on to covered entities.
3. Clarify the procedural requirements for substituting a different drug for a prescribed drug.
4. Remove the fiduciary relationship between the pharmacy benefits manager and persons served by a covered entity.

### ***Enacted Law Summary***

## *Joint Standing Committee on Health and Human Services*

Public Law 2003, chapter 456 specifies the fiduciary duties of pharmacy benefits managers and the obligation to serve the covered entities with whom they contract and the covered individuals provided health care benefits by the covered entities. The law requires disclosure of financial terms that apply between a pharmacy benefits

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manager and a manufacturer or labeler. The law requires consultation with and agreement of the prescribing health professional or a representative of that professional before a pharmacy benefits manager may switch a prescription drug to be dispensed to a covered individual. The law prohibits agreements to waive provisions of the law. Violations of the law are violations of the Maine Unfair Trade Practices Act and are enforceable by private action or the Attorney General.

**LD 557**                      **Resolve, To Increase the Amount of Emergency Assistance Available to Families**                      **ONTP**

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

LD 557 proposed to direct the Department of Human Services to adopt rules to increase the maximum level of assistance under the emergency assistance program to \$400 a year for needy families with children. The rules were designated as routine technical.

**LD 558**                      **Resolve, To Enhance Services to Children and Families**                      **RESOLVE 24 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERRIERE-BOUCHER	OTP-AM	H-293

LD 558 proposed to direct the Department of Human Services to retain in effect the reimbursement rates for therapeutic foster care that were in effect on January 1, 2003 until new rates proposed for adoption were reviewed by a subcommittee of the Joint Standing Committee on Health and Human Services and a set of reimbursement rates were approved by a majority of the committee.

**Committee Amendment "A" (H-293)** proposed to replace the resolve. The amendment proposed to require the Department of Human Services to adopt routine technical rules on matters relating to levels of care in the foster care system, including assessment of children and reimbursement rates. The amendment also proposed to require the department to notify the Joint Standing Committee on Health and Human Services of any such rules that are proposed. The amendment proposed to add a fiscal note to the resolve.

### *Enacted Law Summary*

Resolve 2003, chapter 24 requires the Department of Human Services to adopt routine technical rules on matters relating to levels of care in the foster care system, including assessment of children and reimbursement rates. The resolve also requires the department to notify the Joint Standing Committee on Health and Human Services of any such rules that are proposed.

Resolve 2003, chapter 24 was passed as an emergency measure effective May 16, 2003.