

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1710

S.P. 552

In Senate, March 20, 2001

An Act to Clarify the Maine Biomedical Research Program.

Reference to the Committee on Business and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator GOLDTHWAIT of Hancock.
Cosponsored by Representative HONEY of Boothbay and
Senator SHOREY of Washington, Representative: TESSIER of Fairfield.

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

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Sec. 1. 5 MRSA §13103, sub-§1, ¶A-1 is enacted to read:

A-1. "Academic medical center" is a Maine-based nonprofit clinical, educational and research organization with a critical number of hospital beds, with multiple and independent residency and fellowship programs, with a significant number of residents and fellows and that is affiliated with but independent of a medical school.

Sec. 2. 5 MRSA §13103, sub-§1, ¶B, as enacted by PL 1999, c. 731, Pt. SSS, §1, is repealed and the following enacted in its place:

B. "Eligible institution" means a Maine-based private nonprofit biomedical research institution or academic medical center or medical school that, as of July 1, 2001:

(1) Performs competitive biomedical research in on-site, wetbench biomedical research laboratories in the State, as evidenced by publication in recognized peer review journals; and

(2) Receives or expends funds in the State from federal agencies or specified grant sources for the purpose of producing peer-reviewed biomedical research in on-site, wetbench biomedical research laboratories.

For purposes of this paragraph, "wetbench" has the meaning generally ascribed to that term by the biomedical research community and refers to laboratories that use solutions, cells and organic research materials.

Sec. 3. 5 MRSA §13103, sub-§1, ¶¶E, F and G are enacted to read:

E. "Private nonprofit biomedical research institution" means a Maine-based institution that is a nonprofit organization described in 26 United States Code Section 501(c)(3); with a primary purpose of biomedical research; with research laboratories on site; with scientific doctoral degrees who are principal investigators on biomedical research grants expended in the State through that institution and who have published a significant number of publications in Index Medicus journals in each of the past 3 years; and with a significant level of research activity funded by specified grant sources.

2 F. "Specified grant sources" means a federal agency, a
4 nonprofit foundation, private company or corporation, a
6 voluntary membership organization such as the American
8 Cancer Society, or an out-of-state educational university,
that, as of July 1, 2001, issues grants or contracts for the
purpose of producing peer-reviewed biomedical research when
the grantee retains complete editorial control over the
content of the research performed.

10 G. "Medical school" means a state-based private nonprofit
12 medical school that, as of July 1, 2001, is authorized to
14 grant a doctorate degree in osteopathic or allopathic
16 medicine and is accredited by the American Osteopathic
Association or its successor or the Liaison Committee on
Medical Education or its successor.

18 **Sec. 4. 5 MRSA §13103, sub-§2**, as enacted by PL 1999, c. 731,
Pt. SSS, §1, is amended to read:

20 **2. Program established.** The Maine Biomedical Research
22 Program is established to promote economic development and jobs
24 in the State primarily by making state investments in
26 organizations with successful results in attracting biomedical
28 research funds from specified grant sources. As a secondary
30 purpose, the Maine Biomedical Research Program is intended to
provided incentive for small eligible institutions to grow. The
program shall disburse program funds from the Maine Biomedical
Research Fund to eligible institutions pursuant to this section.
The department shall administer the program. The department
shall:

32 A. Develop and modify detailed program guidelines
34 consistent with this section in consultation as needed with
members of the biomedical community;

36 B. Review and if necessary verify applications for funds
38 from eligible institutions;

40 C. Determine whether the institution is an eligible
institution;

42 D. Verify that the proposed use of program funds is
44 consistent with subsection 4;

46 E. Determine the allocation that each eligible institution
will receive in a given biennium;

48 F. Advertise the availability of funds each biennium; and

2 G. Submit each biennium a summary report to the Governor
and the Legislature that compiles information reported to
4 the department as required by subsection 8 by all the
institutions that receive program funding.

6 **Sec. 5. 5 MRSA §13103, sub-§4**, as enacted by PL 1999, c. 731,
Pt. SSS, §1, is amended to read:

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4. **Use of funds.** Program funds are intended to support
10 biomedical research in this State, with priority given to
research and research technologies with the potential to affect
12 diseases, and biomedical mechanisms ~~or conditions that are either~~
~~caused by or related to tobacco use, such as, but not limited to,~~
14 ~~cancer, heart disease, diabetes, asthma, emphysema and stroke.~~
An eligible institution receiving program funds under this
16 section may use those funds for any of the following purposes:

- 18 A. Project funding;
- 20 B. Facilities funding, including debt service;
- 22 C. Equipment used in research, including debt service; or
- 24 D. Ancillary support.

26 An eligible institution that receives funds under this section
may charge overhead expenses consistent with federal research
28 granting criteria. The institution may utilize up to 2% of the
program funds it receives to evaluate the impact of the research
30 it is conducting. An institution is not obligated to expend
program funds during the period in which those funds are
32 received, but may carry over funding for up to 5 years.

34 **Sec. 6. 5 MRSA §13103, sub-§5, ¶D**, as enacted by PL 1999, c.
731, Pt. SSS, §1, is amended to read:

36
D. A breakdown and explanation of all funding from ~~federal~~
38 ~~agencies and private foundations~~ specified grant sources for
biomedical research, listing each specific source of funding
40 and its use; and

42 **Sec. 7. 5 MRSA §13103, sub-§6, ¶A**, as enacted by PL 1999, c.
731, Pt. SSS, §1, is repealed and the following enacted in its
44 place:

46 A. The formula must link the amount of the program funds to
be received by an eligible institution to the total amount
48 of funding that the institution has received or expended
from specified grant sources during the previous 2 calendar
50 years for the purpose of producing peer-reviewed biomedical

2 research in on-site biomedical research laboratories in the
3 State. An institution receiving more funding from federal
4 agencies and specified grant sources must receive more
5 program funds under the formula.

6 **Sec. 8. 5 MRSA §13103, sub-§6, ¶B**, as enacted by PL 1999, c.
7 731, Pt. SSS, §1, is amended to read:

8 B. The formula must be weighted to provide smaller eligible
9 institutions with ~~a proportionally larger share of program~~
10 ~~funds~~ an incentive to grow.

11 **Sec. 9. 5 MRSA §13103, sub-§6, ¶C**, as enacted by PL 1999, c.
12 731, Pt. SSS, §1, is repealed.

13 **Sec. 10. 5 MRSA §13103, sub-§9**, as enacted by PL 1999, c. 731,
14 Pt. SSS, §1, is repealed and the following enacted in its place:

15 **9. Rulemaking.** The department shall adopt rules to
16 implement this section. Rules adopted pursuant to this section
17 are routine technical rules as defined in chapter 375, subchapter
18 II-A.

24 SUMMARY

25 The bill clarifies that eligible institutions for purposes
26 of receiving funds from the Maine Biomedical Research Program
27 consist of nonprofit biomedical research institutions, academic
28 medical centers or medical schools.

29 The bill also defines specified grant sources to include
30 federal agencies, nonprofit foundations, private corporations or
31 out-of-state educational institutions that issue grants or
32 contracts for peer-reviewed biomedical research where the grantee
33 retains complete editorial control over the content of the
34 research performed.

35 The bill provides the definition for "private nonprofit
36 biomedical research institution." The definition is based upon
37 that used by the Association of Independent Research Institutions.

38 The bill provides the definition for "academic medical
39 center." This definition is based upon that used by the Alliance
40 of Independent Academic Medical Centers.

41 The bill provides the definition for "medical school."

2 The bill states that the purpose of the biomedical Research
3 Program is to promote economic development and jobs in the
4 State, and that the primary means for doing so is to make
5 investments in institutions with a track record of attracting
6 biomedical research funds to the State. A secondary purpose of
7 the program is to provide incentives for small biomedical
8 research institutions to grow.

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10 The bill generalizes the scope of biomedical research to
11 include all diseases and biomedical mechanisms.

12 The bill amends the application procedure to incorporate the
13 amended definition of specified grant sources, and clarifies that
14 the allocation of funds to eligible institutions must be based on
15 the funding that the institution has received or expended for the
16 purpose of producing peer-reviewed biomedical research in
17 on-site, "wetbench" laboratories in this State.

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19 The bill amends the section of the law pertaining to
20 allocation of funds to incorporate the amended definition of
21 specified grant sources.

22
23 The bill states that the allocation formula must provide
24 smaller institutions with an incentive to grow.

25
26 The bill repeals the minimum funding allocation provision.

27
28 The bill provides that rules adopted by the Department of
29 Economic and Community Development to implement the Maine
30 Biomedical Research Program are routine technical rules.