

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 1-452

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH
IN ACCORDANCE WITH MAINE REVISED STATUTES
ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

J.S. McCarthy Co., Inc.
Augusta, Maine
1983

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

B. If an absentee ballot for such applicant which was furnished to a designated 3rd person is not returned to the clerk's office within 5 business days of the date such ballot was sent or delivered to such 3rd person or by 10 a.m. on the day before election day, whichever is earlier. This paragraph shall not be construed to affect the time for delivery of absentee ballots under section 1255.

Effective September 23, 1983.

CHAPTER 290

H.P. 997 - L.D. 1330

AN ACT to Authorize Coverage of Medical Supplies Under the Low Cost Drugs for the Elderly Program.

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

22 M.R.S.A. §254, as amended by PL 1981, c. 470, Pt. A, §§57, 58, and 59, is further amended to read:

§254. Elderly low cost drug program

The Department of Human Services ~~is~~ authorized to ~~may~~ conduct a program to provide low cost prescription and nonprescription drugs and, medication and medical supplies to disadvantaged, elderly individuals. ~~The person responsible for administration of this program must be either a Maine licensed pharmacist, physician, osteopathic physician or dentist, or must be under the administrative supervision of someone meeting these specifications. The commissioner is required to provide for sufficient personnel to ensure efficient administration of the program. The extent and the magnitude of this program will be determined by the Commissioner of Human Services and will be determined on the basis of the calculated need of the recipient population and the available funds. The department is may not authorized to spend more on the conduct of this program than is available either through appropriations from the General Fund, dedicated revenue, federal or other grants and other established and committed funding sources. The commissioner is authorized to may accept for the purposes of carrying out this program federal funds appropriated under any federal law relating to the furnishing of free or low cost drugs to the disadvantaged, elderly individuals and to do such acts as are~~

necessary for the purposes of carrying out such federal law; and to accept from any other agency of government, individual, group or corporation such funds as may be available to carry out this chapter.

The commissioner is authorized to may adopt rules and regulations relating to the conduct of this program. These rules and regulations shall be promulgated in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, and shall be related to the following aspects of this program:

1. Prescription and nonprescription drugs. The kinds of prescription and nonprescription drugs and medications and medical supplies which may be made available through the operation of this program;

2. Individuals eligible for participation. Eligibility status of individuals shall be determined by the State Tax Assessor pursuant to Title 36, ~~e-~~ chapter 905;

3. Specifications for administration of program. Specifications for the administration and management of the program which may include, but not be limited to, program objectives, accounting and handling practices, supervisory authority and evaluation methodology;

4. Method of prescribing or ordering drugs. The method of prescribing or ordering such drugs which may include, but not be limited to, the use of generic prescribing and the use of standard prescription refill sizes so as to minimize operational costs;

4-A. Payment for drugs provided. The commissioner may establish the amount of payment to be made by recipients toward the cost of prescription or nonprescription drugs and, medication and medical supplies furnished under this program; and

5. Other rules. Such other rules and regulations as may be necessary to efficiently and effectively manage and operate a program within the intent of this section.

The Commissioner of Human Services shall establish, or shall require the person responsible for administration of this program to establish, a planned program of solicitation of funds and, drugs and medical supplies for this program from agencies of government, individuals, groups and corporations. A register of solicitations shall be kept, which shall include at least the name, address and business of the agency, individual, group or corporation from whom funds and, drugs and medical supplies are solici-

ited, as well as the date, time and result of the solicitation. This register shall be a public record and shall be sent to the Governor every 6 months for his inspection.

The department ~~is also authorized to~~ may form an advisory committee which it may consult for technical information regarding the nature and operation of this particular program. The nature and composition of the advisory committee shall be at the discretion of the Governor, or at his direction, at the discretion of the Commissioner of the Department of Human Services. The members of ~~such that~~ that advisory committee shall serve without compensation; ~~however,~~ the department ~~is authorized to~~ may disburse funds from an account created pursuant to this section to defray the reasonable costs associated with formulation of policy and the carrying out of activities of this committee. The department ~~is further authorized to~~ may disburse funds from the account set up to carry out the purposes of this section to reimburse members of the advisory committee for their reasonable expenses incurred in carrying out their duties under this section. In no circumstance ~~shall~~ may expenditures of over \$3,000 per year be incurred for the operation of this committee and all such expenditures must be approved by the Governor.

The Commissioner of Finance and Administration ~~is authorized to~~ may create a dedicated revenue account to receive moneys pursuant to this section from whatever source is available which money may be disbursed solely for the purposes of implementing this section.

Effective September 23, 1983.

CHAPTER 291

H.P. 1155 - L.D. 1525

AN ACT to Clarify Legislative Intent
Concerning Funding of the Maine State
Retirement System.

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

5 MRSA §1063 is enacted to read:

§1063. Legislative findings and intent

1. Findings. The Legislature finds that the State owes a great debt to its retired employees for