

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**September 5, 1996 to September 7, 1996**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 1996 to March 27, 1997**

**FIRST SPECIAL SESSION**  
**March 27, 1997 to June 20, 1997**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 26, 1997**

**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 1997**

**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**  
**1997**

**Sec. 2. Appropriation. Resolved:** That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1997-98

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Miscellaneous Acts and resolves**

All Other \$150,000

Provides funds for the settlement of all claims resulting from the investigation of gross sexual assault or unlawful sexual contact charges against Mr. Robert O'Malley.

See title page for effective date.

**CHAPTER 70**

**H.P. 1018 - L.D. 1410**

**Resolve, to Establish Additional Funding for the University of Maine System**

**Sec. 1. Board of Trustees and chancellor; review and report. Resolved:** That the Board of Trustees of the University of Maine System and the chancellor shall review the current method of distributing state resources in light of distinctive missions, enrollment shifts, program priorities, changing program costs, demographic patterns and emerging needs of the State. As part of this review, the trustees and chancellor shall ensure that the needs of the State's nontraditional students are met in a more equitable manner. The trustees and chancellor shall report back to the Joint Standing Committee on Education and Cultural Affairs by January 15, 1998 with a funding formula proposal that will be implemented during fiscal year 1999-2000; and be it further

**Sec. 2. Appropriation. Resolved:** That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1997-98

**UNIVERSITY OF MAINE SYSTEM, BOARD OF TRUSTEES OF THE**

**Educational and General Activities-UMS**

All Other \$250,000

Provides funds to provide additional support for students at the University of Maine System.

See title page for effective date.

**CHAPTER 71**

**H.P. 122 - L.D. 146**

**Resolve, to Establish the Commission to Study the Use of Pharmaceuticals in Long-term Care Settings**

**Sec. 1. Commission established. Resolved:** That the Commission to Study the Use of Pharmaceuticals in Long-term Care Settings, referred to in this resolve as the "commission," is established; and be it further

**Sec. 2. Commission membership. Resolved:** That the commission consists of the following 10 members:

1. One pharmacist representing long-term care pharmacy providers;
2. One long-term care pharmacist;
3. One pharmacist representing a retail pharmacy;
4. One pharmacist, or a designee, from within the Department of Human Services with expertise in Medicaid reimbursement;
5. Two members of the Joint Standing Committee on Health and Human Services and one other Legislator;
6. One member representing persons receiving long-term care;
7. One physician with experience in long-term care; and
8. One registered nurse with experience in long-term care.

The members of the commission are appointed jointly by the Governor, the President of the Senate and the Speaker of the House; and be it further

**Sec. 3. Appointments; meetings. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. When the appointment of all members is complete, the chair of the Legislative Council shall call and convene the first meeting of the commission within 14 days after all appointments are made. The commission shall select a chair from among its legislative members; and be it further

**Sec. 4. Duties. Resolved:** That the commission shall examine the use of pharmaceuticals in long-term care settings. Specifically, the commission shall examine the following:

1. The reimbursement formulas given to long-term care pharmacy providers including fees for service and capitation rates for services;
2. The payment of a consulting fee to providers of long-term care pharmacy services and whether there is an inherent conflict of interest between providing consulting and dispensing services;
3. The determination of new rules pertaining to dispensing pharmaceuticals in long-term care facilities, such as minimum supply, and fees charged for the same medication dispensed in the same month;
4. Conflict of interest created by concurrent ownership of long-term care facilities and of pharmacies or other related health care providers that provide services to residents;
5. Whether there is a practice of overprescribing in long-term care facilities; and
6. Whether there are potential cost savings and other benefits from more efficient patterns of stocking standard, nonchargeable medical supplies; and be it further

**Sec. 5. Staff assistance. Resolved:** That the commission shall request staff and clerical assistance from the Legislative Council; and be it further

**Sec. 6. Report. Resolved:** That, no later than January 1, 1998, the commission shall submit a report, together with any necessary implementing legislation, to the Joint Standing Committee on Health and Human Services with a copy to the Executive Director of the Legislative Council. If the commission requires an extension, it may apply to the Legislative

Council, which may grant the extension; and be it further

**Sec. 7. Reimbursement and compensation. Resolved:** That the commission members who are Legislators are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2 and expenses for attendance at meetings of the commission. Other members are not entitled to compensation; and be it further

**Sec. 8. Meetings. Resolved:** That the commission may meet up to 3 times; and be it further

**Sec. 9. Appropriation. Resolved:** That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1997-98

**LEGISLATURE**

**Commission to Study the Use of Pharmaceuticals in Long-term Care Settings**

Personal Services	\$495
All Other	950
	\$1,445
<b>TOTAL</b>	<b>\$1,445</b>

Provides funds for the per diem and expenses of members of the commission who are Legislators and miscellaneous costs, including printing, of the Commission to Study the Use of Pharmaceuticals in Long-term Care Settings.

See title page for effective date.

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**CHAPTER 72**

**S.P. 293 - L.D. 944**

**Resolve, Establishing a Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities**

**Sec. 1. Commission established. Resolved:** That the Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with