

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.

J.S. McCarthy Company
Augusta, Maine
1997

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
TOTAL	\$1,445

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.

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

Disabilities, 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 13 members:

1. One member of the Senate, appointed by the President of the Senate;
2. One member of the House of Representatives, appointed by the Speaker of the House of Representatives;
3. One member jointly appointed by the President of the Senate and the Speaker of the House;
4. One representative of the Public Advocate;
5. One representative of the Public Protection Division within the Office of the Attorney General;
6. One representative of a deaf advocacy organization, appointed by the Governor;
7. One representative of a disability advocacy organization, appointed by the Governor;
8. Three representatives of telephone companies providing phone service within the State including one representative of independent telephone companies, appointed by the Governor; and
9. Three members of the general public who currently use or plan to use teletypewriters or special telecommunications equipment for persons with disabilities, appointed by the Governor; and be it further

Sec. 3. Convening of commission. Resolved: That all appointments must be made no later than 30 days after the effective date of this resolve. The Chair of the Legislative Council shall call the first meeting within 14 days after all appointments are made. The commission shall elect a chair from among its members; and be it further

Sec. 4. Duties. Resolved: That the commission shall study the following:

1. The current use and distribution of teletypewriters and other telecommunications equipment for persons with disabilities in the State, including the current loaner program;
2. The use and distribution of teletypewriters and other telecommunications equipment for persons with disabilities in other states, including, but not limited to, the financing of teletypewriters and other telecommunications equipment and the type of equipment currently being used;

3. The compliance requirements of the federal Americans with Disabilities Act of 1990 regarding the use of teletypewriters and other telecommunications equipment;

4. How to purchase specialized customer premise equipment or SCPE, such as artificial larynges, signaling devices, amplified handsets, large number dial overlays, direct telephone dialing, telebraille, teletypewriters or telecommunications equipment for persons with disabilities, and other devices that provide access to telephone networks for people with hearing, speech, vision or mobility impairments;

5. Establishing a system of administration and record keeping, as well as distribution, repair and replacement of SCPE units for certified subscribers; and

6. Establishing a funding mechanism for expansion of the program that will include use of additional equipment; and be it further

Sec. 5. Report. Resolved: That the commission shall prepare a written report of its findings and submit the report, together with any necessary implementing legislation, to the Second Regular Session of the 118th Legislature by January 1, 1998. If the commission requires an extension, it may apply to the Legislative Council, which may grant the extension; and be it further

Sec. 6. Staff assistance. Resolved: That the commission shall request staff assistance from the Legislative Council; and be it further

Sec. 7. Compensation. Resolved: That the legislative members of the commission are entitled to per diem and reimbursement for travel and other necessary expenses upon application to the Legislative Council. The Executive Director of the Legislative Council shall administer the commission's budget; and be it further

Sec. 8. Meetings. Resolved: That the commission may meet up to 4 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 Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities

Personal Services	\$660
All Other	2,350

Provides funds for the per diem and expenses of legislative members, contracted interpreter services and miscellaneous costs of the Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities.

LEGISLATURE	_____
TOTAL	\$3,010
See title page for effective date.	

CHAPTER 73

S.P. 429 - L.D. 1377

Resolve, to Establish a Maine Mobility Fund Task Force

Sec. 1. Task Force to Study the Feasibility of Creating a Maine Mobility Fund established. Resolved: That the Task Force to Study the Feasibility of Creating a Maine Mobility Fund, referred to in this resolve as the "task force," is established to find a way to fully realize the promise of ISTEPA and the State's Sensible Transportation Policy Act for a new emphasis on public transportation and to ensure that transit services receive adequate funding; and be it further

Sec. 2. Task force membership. Resolved: That the task force consists of the following 19 members:

1. Two members of the Senate appointed by the President of the Senate;
2. Two members of the House of Representatives appointed by the Speaker of the House;

3. Two members of the general public, one of whom must have a mobility limitation, appointed by the Governor;

4. One representative from a metropolitan planning organization in the State appointed by the Governor;

5. One representative of the Regional Transportation Advisory Committees in the State appointed by the Governor;

6. One representative of the Department of Transportation appointed by the Commissioner of Transportation;

7. One representative of the Department of Human Services appointed by the Commissioner of Human Services;

8. One representative appointed by the Maine Turnpike Authority;

9. One representative appointed by the Maine Better Transportation Association;

10. One representative of area agencies on aging appointed jointly by the President of the Senate and the Speaker of the House;

11. One representative appointed jointly by the President of the Senate and the Speaker of the House from a list of 3 persons submitted by the Bicycle Coalition of Maine;

12. One representative appointed jointly by the President of the Senate and the Speaker of the House from a list of 3 persons submitted by Train Riders Northeast;

13. One representative appointed jointly by the President of the Senate and the Speaker of the House from a list of 3 persons submitted by the Maine Transit Association;

14. One representative appointed jointly by the President of the Senate and the Speaker of the House from a list of 3 persons submitted by the Maine Municipal Association;

15. One representative appointed jointly by the President of the Senate and the Speaker of the House from a list of 3 persons submitted by the Maine Chamber and Business Alliance; and

16. One representative appointed by the Maine Motor Transport Association; and be it further

Sec. 3. Appointment; notification. Resolved: That all appointments to the task force be made no later than 30 days following the effective date of this resolve and the Executive Director of the