

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 1998 to June 19, 1999**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 18, 1999**

**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**  
**1999**

## CHAPTER 74

## H.P. 99 - L.D. 112

**Resolve, to Study Current  
Regulations Imposed on Small  
Businesses to Require Greater  
Efficiency**

**Emergency preamble.** Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** study of the regulation of small businesses is important to determining the appropriate level of regulation; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Task force established. Resolved:** That the Task Force to Study the Effect of Government Regulation on Small Businesses, referred to in this resolve as the "task force," is established. For the purposes of this task force, "small businesses" means those businesses employing 15 or fewer employees; and be it further

**Sec. 2. Task force membership. Resolved:** That the task force consists of 9 members. The President of the Senate shall appoint 4 members, to include one Senator, one member representing the private sector, one member representing a business employing fewer than 15 people and one member from the Joint Standing Committee on Business and Economic Development. The Speaker of the House shall appoint 4 members, to include one member of the House of Representatives, one member representing the public sector, one member representing a business employing fewer than 15 people and one member from the Joint Standing Committee on Business and Economic Development. The first named Senator is the Senate chair. The first named House member is the House chair. The Commissioner of Economic and Community Development or the commissioner's designee must be a member of the task force; 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 once the selections have been made. Within 15 days after appointment of all members, the chairs shall call and

convene the first meeting of the task force; and be it further

**Sec. 4. Duties. Resolved:** That the task force shall study the extent of regulation on small business and shall develop an inventory of filings and permits required to start and continue operation of a small business. The inventory must include, but is not limited to, filings required for taxation, licenses pertaining to health and safety compliance, licenses pertaining to pollution prevention and filings required under state labor laws. The task force is not required to undertake as part of the study an analysis of required professional licenses. The task force shall examine the purposes of the inventoried filings and permits, determine whether the filings and permits are necessary to meet legislative intent or federal regulations and examine areas in which there is duplication of federal and state filing requirements. For rules, licenses and permits that the task force determines are necessary to meet legislative intent or federal regulations, the task force shall review the permit, application and filing systems, including the One Stop License and Permit Center, to ensure that the systems are user-friendly and operating efficiently and shall make recommendations for improvements in the systems in its report to the Joint Standing Committee on Business and Economic Development. If the task force determines that certain rules, licenses and permits are not necessary to meet legislative intent or federal regulations, the task force shall submit necessary enabling legislation for the elimination of those rules, licenses or permits; and be it further

**Sec. 5. Staff assistance. Resolved:** That the task force may request staffing assistance from the Legislative Council; and be it further

**Sec. 6. Expenses. Resolved:** That the legislative members of the task force receive legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, for each day's attendance at task force hearings, and other members of the task force not otherwise reimbursed by their employer or other entity are entitled to receive reimbursement for reasonable expenses for each day's attendance at task force hearings; and be it further

**Sec. 7. Report. Resolved:** That no later than December 15, 1999, the task force shall submit its report, together with any recommendations for legislation, to the Joint Standing Committee on Business and Economic Development. The Joint Standing Committee on Business and Economic Development is authorized to report out a bill during the Second Regular Session of the 119th Legislature concerning the findings and recommendations of the task force.

If the task force requires an extension of the reporting deadline, it may apply to the Legislative Council, which may grant the extension.

**Emergency clause.** In view of the emergency cited in the preamble, this resolve takes effect when approved.

Effective June 17, 1999.

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## CHAPTER 75

### H.P. 144 - L.D. 206

#### **Resolve, to Establish the Commission to Study Bulk Purchasing of Prescription Drugs and Medical Supplies**

**Emergency preamble.** Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** a comprehensive study of bulk purchasing of prescription drugs and medical supplies is needed to determine whether bulk purchasing could be used to provide Maine residents access to affordable prescription drugs and medical supplies, such a study to be undertaken during the summer and fall of 1999; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Commission established. Resolved:** That there is established the Commission to Study Bulk Purchasing of Prescription Drugs and Medical Supplies, referred to in this resolve as the "commission"; and be it further

**Sec. 2. Membership. Resolved:** That the commission consists of 12 members appointed as follows:

1. The President of the Senate shall appoint 5 members as follows:
  - A. Two Senators, one from each major political party. The first-named Senator is the Senate chair;
  - B. One person from a professional organization representing pharmaceutical manufacturers;
  - C. One person from a statewide organization representing health care carriers regulated under

the Maine Revised Statutes, Titles 24 and 24-A; and

D. One person from a statewide organization representing hospitals;

2. The Speaker of the House of Representatives shall appoint 5 members as follows:

A. Four Representatives, 2 from each major political party. The first-named Representative is the House chair; and

B. One person from a statewide organization representing pharmacies; and

3. The Governor shall appoint 2 members as follows:

A. The Director of the Bureau of Medical Services within the Department of Human Services or the director's designee; and

B. One person from a statewide organization representing pharmaceutical wholesalers; 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 chairs shall call and convene the first meeting of the commission no later than July 30, 1999; and be it further

**Sec. 4. Duties. Resolved:** That the commission shall study bulk purchasing of prescription drugs and medical supplies. The commission shall study the need for a bulk purchasing mechanism and the financial benefits and potential savings to private citizens, insurance carriers, self-insured employee health benefit plans and publicly funded health coverage. The commission shall evaluate the potential impact of bulk purchasing on the State's economy and on pharmacies, hospitals and other health care facilities within the State. In its report, the commission shall propose a plan for bulk purchasing that represents the best judgment of a majority of the members of the commission for a bulk purchasing mechanism for the State.

In examining the issue of bulk purchasing of prescription drugs and medical supplies, the commission may examine bulk purchasing mechanisms in use in other states and countries and shall consult with interested parties representing a broad range of views.

The commission is authorized to meet as necessary to complete its work, up to a maximum of 4 meetings of the commission; and be it further