

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**

**FIRST SPECIAL SESSION**  
**August 21, 2003 to August 22, 2003**

**The General Effective Date For**  
**First Special Session**  
**Non-Emergency Laws Is**  
**November 22, 2003**

**SECOND REGULAR SESSION**  
**January 7, 2004 to January 30, 2004**

**The General Effective Date For**  
**Second Regular Session**  
**Non-Emergency Laws Is**  
**April 30, 2004**

**SECOND SPECIAL SESSION**  
**February 3, 2004 to April 30, 2004**

**The General Effective Date For**  
**Second Special Session**  
**Non-Emergency Laws Is**  
**July 30, 2004**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2004**

that an applicant who qualified for licensure as a licensed registered nurse continue to be licensed as a registered nurse.

**2. Late renewal.** An application for renewal may be made no earlier than 30 days prior to the date of expiration. An application made no more than 90 days past the date of expiration of a license must include a \$10 late fee in addition to the renewal fee. An application received more than 90 days past the expiration date is subject to all requirements covering new applicants under this chapter.

**Sec. 7. 32 MRSA §12525, sub-§1, ¶E,** as enacted by PL 1995, c. 671, §13, is amended to read:

E. File an application and pay the licensing fees established under section 12526.

**Sec. 8. 32 MRSA §12525, sub-§3, ¶A,** as enacted by PL 1995, c. 671, §13, is amended to read:

A. Submitted an application and a certification fee ~~to be determined by the board~~ established under section 12526;

**Sec. 9. 32 MRSA §12526, sub-§1,** as amended by PL 1999, c. 257, §7, is repealed and the following enacted in its place:

**1. Fees.** The Director of the Office of Licensing and Registration within the Department of Professional and Financial Regulation may establish by rule fees for purposes authorized under this subchapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for any application may not exceed \$200, the fee for initial and renewal licensure may not exceed \$675 annually and the fee for initial and renewal specialty certification may not exceed \$50 annually. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

**Sec. 10. 32 MRSA §12526, sub-§2,** as enacted by PL 1995, c. 671, §13, is amended to read:

**2. Renewal.** A license to practice naturopathic medicine and a specialty certification must be renewed annually and be accompanied by the required renewal fee established in subsection 1. ~~The annual license renewal fee established by the board in an amount not to exceed the initial licensing fee must accompany the application for renewal. A specialty certification must be renewed annually. The specialty certification fee must accompany the application for renewal.~~

See title page for effective date.

## CHAPTER 667

S.P. 736 - L.D. 1890

### An Act To Ensure Disclosure of Prescription Drug Prices

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

**Sec. 1. 22 MRSA §2698-B** is enacted to read:

#### **§2698-B. Actual price disclosure and certification**

**1. Quarterly report.** A manufacturer of prescription drugs dispensed in this State under a health program directed or administered by the State shall, on a quarterly basis, report by National Drug Code the following pharmaceutical pricing criteria to the commissioner for each of its drugs:

A. The average wholesale price;

B. The wholesale acquisition cost;

C. The average manufacturer price as defined in 42 United States Code, Section 1396r-8(k); and

D. The best price as defined in 42 United States Code, Section 1396r-8(c)(1)(C).

**2. Calculation.** The calculation of average wholesale price and wholesale acquisition cost must be the net of all volume discounts, prompt payment discounts, charge-backs, short-dated product discounts, cash discounts, free goods, rebates and all other price concessions or incentives provided to a purchaser that result in a reduction in the ultimate cost to the purchaser.

**3. Description of methodology.** When reporting the average wholesale price, wholesale acquisition cost, average manufacturer price and best price, a manufacturer of prescription drugs dispensed in this State shall also include a detailed description of the methodologies by which the prices were calculated.

**4. Certification.** When a manufacturer of prescription drugs dispensed in this State reports the average wholesale price, wholesale acquisition cost, average manufacturer price or best price, the president or chief executive officer of the manufacturer shall certify to the department, on a form provided by the commissioner, that the reported prices are accurate.

**5. Confidentiality.** Except as provided in this subsection, all information provided to the commissioner by a manufacturer of prescription drugs under this section is confidential and may not be disclosed by any person or by the department to any person without the consent of the manufacturer. Disclosure may be made by the department to an entity providing

services to the department under this section. Disclosure may be ordered by a court for good cause shown or made in a court filing under seal unless or until otherwise ordered by a court. Nothing in this subsection limits the Attorney General's use of civil investigative demand authority under the Maine Unfair Trade Practices Act to investigate violations of this section.

**6. Violation.** A violation of this section is a violation of Title 5, section 207 and must be enforced by the Attorney General pursuant to Title 5, section 209.

**7. Funding restriction.** The department's costs for implementing this section must be met through the use of money that the Attorney General has acquired as a result of consumer protection litigation involving pharmaceutical pricing or practices. General Fund funding may not be used for the purposes of this section.

**Sec. 2. Contingent effective date; delayed reporting.** When the Attorney General acquires funds as a result of consumer protection litigation involving pharmaceutical pricing or practices and the Attorney General designates these funds as being available for the implementation of the Maine Revised Statutes, Title 22, section 2698-B, the Attorney General shall submit a letter to the Commissioner of Human Services that informs the commissioner of these facts. That section of this Act that enacts Title 22, section 2698-B takes effect 30 days after the commissioner receives this letter, except that section 2698-B may not take effect before January 1, 2005. Manufacturers of prescription drugs subject to the provisions of section 2698-B must begin the submission of quarterly reports as required by that section at the end of the first full calendar quarter after the effective date of section 2698-B.

See title page for effective date, unless otherwise indicated.

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## CHAPTER 668

H.P. 1369 - L.D. 1843

### An Act To Require Surety Bonding by Payroll Processing Companies

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

**Sec. 1. 10 MRSA §1495, sub-§1-A** is enacted to read:

**1-A. Administrator.** "Administrator" means, except in cases in which the payroll processor is a wholly owned subsidiary of a supervised financial

organization as defined by Title 9-A, section 1-301, subsection 38-A, the Director of the Office of Consumer Credit Regulation within the Department of Professional and Financial Regulation. In cases in which the payroll processor is a wholly owned subsidiary of a supervised financial organization as defined by Title 9-A, section 1-301, subsection 38-A, "administrator" means the Superintendent of Financial Institutions within the Department of Professional and Financial Regulation.

**Sec. 2. 10 MRSA §1495-A**, as enacted by PL 1999, c. 172, §1 and affected by §2, is repealed.

**Sec. 3. 10 MRSA §1495-B, sub-§§1 and 2**, as enacted by PL 1997, c. 495, §1, are repealed.

**Sec. 4. 10 MRSA §1495-B, sub-§§3 to 7** are enacted to read:

**3. Periodic reports to employers.** On a regular basis not less frequently than quarterly, a payroll processor shall provide to each employer an accounting of:

A. Funds received from that employer; and

B. The aggregate amounts disbursed for:

(1) Payroll;

(2) Each category of local, state and federal tax; and

(3) Unemployment compensation premiums.

**4. Disclosure of methods of verification.** On a regular basis not less frequently than quarterly, a payroll processor shall clearly and conspicuously and in easily understood language disclose to each employer for which it provides payroll processing services the specific method or methods whereby each employer can contact state and federal tax and unemployment insurance authorities, including but not limited to Internet address and toll-free telephone number information, to verify that payments have been made and properly credited on behalf of the employer.

**5. Disclosure of limitations of surety bond.** Whenever a payroll processor promotes, markets or advertises itself or its services and uses the phrase "bonded with the State" or "fully bonded" or other language that in the opinion of the administrator would lead an employer to believe that the bond coverage provides full compensation for potential losses should the payroll processor fail to make required payments or become insolvent, the payroll processor shall also include a clear and conspicuous disclaimer stating that use of the language referencing