

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

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

Penmor Lithographers
Lewiston, Maine
2005

able or deceptive practice ~~causes~~ cause actual damage to a consumer, ~~is~~ are subject to the following:

Sec. 11. 9-A MRSA §10-401, sub-§4, as amended by PL 1993, c. 495, §5, is further amended to read:

4. A civil action by an aggrieved consumer in which that consumer has the right to recover actual damages from the credit services organization or its loan officers in an amount determined by the court, plus costs of the action together with reasonable attorney's fees; and

Sec. 12. Appropriations and allocations. The following appropriations and allocations are made.

**PROFESSIONAL AND FINANCIAL REGULATION,
DEPARTMENT OF**

Office of Consumer Credit Regulation 0091

Initiative: Allocates funds for a 1/2-time Senior Consumer Credit Examiner position and associated costs to register and track loan officers.

OTHER SPECIAL REVENUE

FUNDS	2005-06	2006-07
POSITIONS -		
LEGISLATIVE COUNT	0.500	0.500
Personal Services	\$31,666	\$34,107
All Other	\$11,834	\$4,910
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OTHER SPECIAL REVENUE		
FUNDS TOTAL	\$43,500	\$39,017

See title page for effective date.

CHAPTER 165

H.P. 369 - L.D. 494

**An Act To Establish a Program for
the Purchase of Prescription Drugs
from out of the Country for the
Elderly and Disabled**

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

Sec. 1. 22 MRSA §254-C is enacted to read:

**§254-C. Prescription drug program for out-of-
country prescription drugs**

The department shall establish a prescription drug program, when permitted by federal law or by the granting of a waiver by the United States Secretary of Health and Human Services, to provide access to prescription drugs from out of the country to residents of the State who are 62 years of age or older or have disabilities. The program must operate within the

limits of federal law and regulation and state law and rule.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Member" means a person who meets the eligibility requirements of subsection 2 and who is enrolled in the program.

B. "Program" means the prescription drug program under this section.

2. Eligibility. Residents of the State are eligible for the program if they are 62 years of age or older or have disabilities.

3. Access. Access to prescription drugs under the program is subject to the requirements of this subsection.

A. The member must show evidence of use of a pharmacist licensed in the State to coordinate all prescriptions and prevent harmful drug interactions.

B. The program may provide access to prescription drugs that a member has taken according to prescription for at least 15 days.

C. The program may provide access to prescription drugs from pharmacies located outside the country, provided that the department has specifically approved the use of any pharmacies located outside the country.

D. The program may provide access to prescription drugs that are brand-name drugs in their original sealed packaging.

E. The program may not provide access to antibiotics for acute illnesses or prescription drugs for alleviation of pain that are habit-forming.

4. Testing. The program must include a procedure for random testing of drugs to ensure purity and safety for the member.

5. Rulemaking. The department shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.
