

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

lated advertisement, unless that advertisement meets the requirements concerning misbranded drugs and devices and prescription drug advertising of federal law and regulations under 21 United States Code, Sections 331 and 352(n) and 21 Code of Federal Regulations, Part 202 and state rules.

3. Disclosure of clinical trials of prescription drugs. Beginning October 15, 2005, a manufacturer or labeler of prescription drugs that is required to report marketing costs for prescription drugs pursuant to section 2698-A shall post, with regard to those prescription drugs, on the publicly accessible Internet website of the federal National Institutes of Health or its successor agency or another publicly accessible website the following information concerning any clinical trial that the manufacturer conducted or sponsored on or after October 15, 2002:

- A. The name of the entity that conducted or is conducting the clinical trial;
- B. A summary of the purpose of the clinical trial;
- C. The dates during which the trial has taken place; and
- D. Information concerning the results of the clinical trial, including potential or actual adverse effects of the drug.

In order to satisfy the requirements of this subsection, the publicly accessible website and manner of posting must be acceptable to the department.

4. Fees. Beginning April 1, 2006, each manufacturer of prescription drugs that are provided to Maine residents through the MaineCare program under section 3174-G or the elderly low-cost drug program under section 254 shall pay a fee of \$1,000 per calendar year to the department. Fees collected under this subsection must be used to cover the cost of overseeing implementation of this section, including but not limited to maintaining links to publicly accessible websites to which manufacturers are posting clinical trial information under subsection 3 and other relevant sites, assessing whether and the extent to which Maine residents have been harmed by the use of a particular drug and undertaking the public education initiative under subsection 5. Revenues received under this subsection must be deposited into an Other Special Revenue Funds account to be used for the purposes of this subsection.

5. Public education initiative. The department shall undertake a public education initiative to inform residents of the State about clinical trials and drug safety information.

6. Penalties. A violation of this section is a violation of the Maine Unfair Trade Practices Act. Each

day a manufacturer is in violation of this chapter is considered a separate violation.

7. Rulemaking. The department may 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.

Sec. 2. Report. By January 15, 2007, the Department of Health and Human Services shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding compliance with the Maine Revised Statutes, Title 22, section 2700-A, the completeness and ease of public access to information provided by the drug manufacturers and the need for further action or legislation.

See title page for effective date.

CHAPTER 393

H.P. 1170 - L.D. 1659

An Act To Amend the Laws Governing Crimes against People Who Are Homeless

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

Sec. 1. 25 MRSA §2804-C, sub-§2-B is enacted to read:

2-B. Training regarding people who are homeless. The board shall include in the basic law enforcement training program a block of instruction aimed specifically at reducing barriers to reporting crimes against people who are homeless and dealing with the unique challenges posed by cases that involve victims or witnesses who are homeless.

Sec. 2. Required recertification law enforcement training. The Board of Trustees of the Maine Criminal Justice Academy shall include requirements in its next available schedule of recertification training for all law enforcement officers a block of instruction aimed specifically at reducing barriers to reporting crimes against people who are homeless and dealing with the unique challenges posed by cases that involve victims or witnesses who are homeless. The board shall thereafter determine quadrennially whether further training in the next available schedule of recertification training is necessary as a refresher or to incorporate improved procedures or practices demonstrated to reduce barriers to reporting crimes against people who are homeless and dealing with the unique challenges posed by cases that involve victims or witnesses who are homeless.

Sec. 3. Relationship between law enforcement agencies and homeless. The Commissioner of Public Safety and the Attorney General shall review the relationship between law enforcement agencies and people who are homeless and shall explore methods of encouraging law enforcement agencies in communities with significant homeless populations or that have homeless shelters within their areas of jurisdiction to take concrete and meaningful steps to improve relations with people who are homeless and their advocates. As part of their review, the commissioner and the Attorney General shall consider ways to encourage regular meetings between law enforcement officers and advocates, representatives of the homeless community and people who are homeless to discuss issues of concern to the homeless community, the status of pending cases when appropriate and issues raised by the law enforcement agency.

The commissioner and the Attorney General shall report back to the joint standing committee of the Legislature having jurisdiction over judiciary matters during the First Regular Session of the 123rd Legislature on the results of their review and the status of the relationship between law enforcement agencies and people who are homeless.

Sec. 4. Working group regarding aggravating sentencing factors for crimes against persons who are homeless. The Office of the Attorney General shall convene a working group to examine the advisability of implementing aggravating sentencing factors for crimes against people who are homeless. The Office of the Attorney General shall invite members of the judicial branch, representatives from the Office of the Attorney General, representatives from at least 2 district attorneys' offices and any other parties the Office of the Attorney General considers appropriate to participate in the working group. No later than January 15, 2006, the working group shall report its findings and recommendations to the Joint Standing Committee on Criminal Justice and Public Safety. Upon review of the findings, the Joint Standing Committee on Criminal Justice and Public Safety may report out implementing legislation, if necessary.

See title page for effective date.

CHAPTER 394

S.P. 620 - L.D. 1673

An Act To Implement Certain Recommendations of the Commission To Study Maine's Community Hospitals

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

Sec. 1. 5 MRSA §8005 is enacted to read:

§8005. Governor's Office of Health Policy and Finance

Notwithstanding any provision of law to the contrary, the provisions of this subchapter and subchapters 2 and 2-A apply to rulemaking by the Governor's Office of Health Policy and Finance or its successor agency.

Sec. 2. 22 MRSA §8709, sub-§1-A is enacted to read:

1-A. Hospitals; standardized accounting template. When filing the financial information required under subsection 1, a hospital also shall file information using the standardized accounting template published in the report of the Commission to Study Maine's Community Hospitals in February 2005. The hospital shall file this information using an electronic version of the template provided to the hospital by the organization. If in succeeding years the template needs to be modified, the board shall adopt rules specifying the filing requirements. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. 24-A MRSA §6908, sub-§12 is enacted to read:

12. Legislative jurisdiction. Notwithstanding any provision of law to the contrary, legislative jurisdiction for oversight of Dirigo Health is governed by the Joint Rules of the Legislature. In adopting the joint rules, the Legislature shall give consideration to ensuring that legislative oversight of Dirigo Health is thorough and ongoing, that normal budgetary procedures and controls are exercised and that committee jurisdiction is consistent with the subject matter jurisdiction of the joint standing committees.

Sec. 4. Standardized reporting and voluntary limits to control growth of hospital costs.

1. Voluntary restraint. To control the rate of growth of the costs of hospital services, the Legislature requests that each hospital licensed under the Maine Revised Statutes, Title 22, chapter 405 voluntarily restrain cost increases and consolidated operating margins in accordance with this section. The targets and methodology apply to each hospital's fiscal year beginning on or after July 1, 2005 and remain in effect through the end of each hospital's fiscal year beginning on or after July 1, 2007.