

# 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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2005**

This Act takes effect for all purposes immediately upon its acceptance by a majority of the legal voters in the district if voting is held at an election or upon acceptance at a town meeting if voting is held at a town meeting. Failure to achieve the necessary approval by a majority of voters at any such election does not prevent a subsequent election or elections from being held for that purpose.

Effective pending referendum.

## CHAPTER 25

S.P. 87 - L.D. 267

### **An Act To Ensure Sufficient Staffing To Properly Enforce the Laws and Rules of the Manufactured Housing Board**

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

#### **Sec. 1. Appropriations and allocations.**

The following appropriations and allocations are made.

#### **PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF**

##### **Licensing and Enforcement 0352**

Initiative: Allocates funds for one Manufactured Housing Inspector position and related All Other effective October 1, 2005.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2005-06</b>	<b>2006-07</b>
POSITIONS -		
LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$45,018	\$64,431
All Other	\$10,025	\$12,100
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$55,043</b>	<b>\$76,531</b>

See title page for effective date.

## CHAPTER 26

S.P. 406 - L.D. 1178

### **An Act Regarding Access to Prescription Drugs and Reimportation**

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

**Sec. 1. Governor's Committee To Study  
the Feasibility of Importation of Prescription  
Drugs.** The Governor's Office of Health Policy and

Finance shall reconvene the Governor's Committee To Study the Feasibility of Importation of Prescription Drugs, referred to in this section as "the committee," and shall change the membership and the duties of the committee as follows.

1. The membership must be changed to ensure that the committee includes representatives of the following entities and interest groups: community pharmacies; the Maine Pharmacy Association; the Office of the Attorney General; consumers; organizations representing elderly persons; pharmacy benefit managers; insurance carriers; one Senator appointed by the President of the Senate and one member of the House of Representatives appointed by the Speaker of the House and representatives of the National Legislative Association on Prescription Drug Pricing; the Maine Medical Association; the Department of Health and Human Services, Bureau of Medical Services and Bureau of Elder and Adult Services; and the Department of Professional and Financial Regulation.

2. The duties must be changed to include developing a plan to prepare the State to implement drug reimportation upon approval of the Federal Government through federal legislation or approval of a waiver request. The plan must include the following:

A. Assessment of other state reimportation legislation and programs, including implementation, utilization, costs of administration and savings from utilization;

B. Analysis of the necessary steps to develop an Internet connection, link or website for pharmacies and wholesale providers of prescription drugs to uninsured or underinsured residents and a process for certifying those pharmacies and wholesale providers;

C. Development of procedures for ensuring the health and safety of participants in the reimportation program;

D. Review of relevant state laws and rules, including pharmacy licensing laws, and determination of necessary legislation; and

E. Assessment of other access, quality, safety and economic issues related to the design and operation of a reimportation program.

3. The Governor's Office of Health Policy and Finance must provide necessary staffing services to the committee.

4. The committee shall report to the Joint Standing Committee on Health and Human Services by January 15, 2006 or 30 days after the adjournment of the United States Congress, whichever occurs later.

If the United States Congress has passed a law allowing drug reimportation or if the federal Centers for Medicare and Medicaid Services has granted a waiver application, the State may move forward with the development of a plan for a reimportation program based on the findings and recommendations of the committee and review by the Joint Standing Committee on Health and Human Services.

See title page for effective date.

## CHAPTER 27

H.P. 1195 - L.D. 1689

### **An Act To Ensure Maine's Readiness To Respond to Decisions Relative to the Base Realignment and Closure Process**

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

**Whereas,** this legislation needs to take effect before the expiration of the 90-day period to assist communities affected by the Base Realignment and Closure Commission process; 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 enacted by the People of the State of Maine as follows:**

**Sec. 1. Transfer.** Consistent with Public Law 2005, chapter 12, Part CC, section 1, the Legislature requests that the Governor identify up to \$100,000 of funds previously appropriated by the Legislature, yet no longer needed for the intended purpose, and transfer those funds by financial order to assist communities affected by the Base Realignment and Closure Commission, "BRAC," process no later than June 30, 2005.

**Sec. 2. Report.** The Commissioner of Administrative and Financial Services shall report to the Governor, the President of the Senate and the Speaker of the House no later than October 1, 2005 regarding the expenditure of funds transferred pursuant to this Act.

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

Effective June 21, 2005.

## CHAPTER 28

S.P. 530 - L.D. 1528

### **An Act To Create a Graduate School of Biomedical Sciences at the University of Maine**

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

**Sec. 1. P&SL 1865, c. 532, §9-B** is enacted to read:

**Sec. 9-B. Graduate school of biomedical sciences.** The Board of Trustees of the University of Maine System is authorized to establish a graduate school of biomedical sciences, referred to in this section as "the school," to educate and train students in basic and clinical fields of biomedicine and the biosciences. If the board establishes a graduate school of biomedical sciences, it must be in accordance with the following:

A. The school must be established in partnership with the Jackson Laboratory, the Maine Medical Center Research Institute and the Mount Desert Island Biological Laboratory, referred to in this section as "partner institutions."

B. The mission of the school is to administer a graduate education and fellowship program that is open on a competitive basis to its partner institutions, other Maine biomedical research institutions, Maine private education institutions and the University of Maine System.

C. To attract the most highly qualified graduate students from around the country and around the world, the school shall make every effort to ensure that the stipends offered by the school are sufficient to compete with the fellowship offers of the leading universities in the United States.

D. The Board of Trustees of the University of Maine System shall administer the school with the aid of an advisory committee composed of one representative from each of the partner institutions; one representative from the University of Southern Maine; one representative from the University of Maine System; and one representative from another research institution or institution of higher education in the State.