LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

FIRST REGULAR SESSION
December 2, 2020 to March 30, 2021

FIRST SPECIAL SESSION
April 28, 2021 to July 19, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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NON-EMERGENCY LAWS IS
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TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2021

CHAPTER 304
S.P. 271 - L.D. 683

An Act To Allow Maine Nonprofit Corporations To Hold Meetings Electronically

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

Sec. 1. 13-B MRSA §602, sub-§1, as enacted by PL 1977, c. 525, §13, is amended to read:

1. Where held; remote communication. Meetings of members, if any, may be held at such place, either within or without this State, as may be provided in the bylaws or at such place reasonably convenient to members, as determined by the board of directors. In the absence of any such provision, all meetings ~~shall~~ must be held at the registered office of the corporation in this State or, in the discretion of the board of directors, a meeting may be held entirely through means of remote communication without a specific site for the meeting or partially through means of remote communication with those members attending in person at the location provided in the meeting notice. The board of directors may, in its discretion, adopt guidelines and procedures authorizing members who are not physically present at a meeting of members to, by means of remote communication:

A. Participate in a meeting of members; and

B. Be deemed present in person for quorum purposes and vote at a meeting of members, whether such meeting is to be held at a designated place or entirely or partially through means of remote communication, only if:

(1) The corporation has implemented reasonable measures to verify each person participating remotely is a member or proxy holder of a member;

(2) The corporation has implemented procedures to accommodate remote communication; and

(3) If any member or proxy holder votes or takes other action at the meeting by means of remote communication, a record of such vote or other action is maintained by the corporation.

For the purposes of this chapter, "remote communication" means reasonable measures that provide the members or their proxy holders a reasonable opportunity to participate in the meeting and to vote on matters submitted to the members, including an opportunity to communicate and to read or hear the proceedings of the meeting, substantially concurrently with the proceedings, when not attending in person.

Sec. 2. 13-B MRSA §604, sub-§5, as enacted by PL 2019, c. 200, §2, is amended to read:

5. Voting by electronic transmission; voting remotely. The bylaws may provide, or the board of directors or members may determine, that some or all votes by members, as well as actions taken in accordance with section 606, may be conducted by electronic transmission under procedures established by the corporation. If the board of directors adopts guidelines and procedures under section 602, subsection 1 authorizing members to vote by means of remote communication, votes may be conducted remotely. A vote conducted by electronic transmission or remotely must be filed with the minutes of members' meetings and has the same effect as an in-person vote or a vote by proxy, and votes conducted remotely must be counted for quorum purposes.

See title page for effective date.

CHAPTER 305
S.P. 274 - L.D. 686

An Act To Increase Prescription Drug Pricing Transparency

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

Sec. 1. 22 MRSA §8731, sub-§1-A is enacted to read:

1-A. Drug product family. "Drug product family" means a group of one or more prescription drugs that share a unique generic drug description and drug form.

Sec. 2. 22 MRSA §8731, sub-§3, as enacted by PL 2019, c. 470, §8, is amended to read:

3. Manufacturer. "Manufacturer" means ~~a manufacturer of~~ an entity that manufactures or repackages, and sets the wholesale acquisition cost for, prescription drugs that are distributed in the State.

Sec. 3. 22 MRSA §8731, sub-§3-A is enacted to read:

3-A. Prescription drug. "Prescription drug" means a drug, as defined in 21 United States Code, Section 321(g) or a biological product as defined in 42 United States Code, Section 262(i)(1) that:

A. Is intended for human use;

B. Is not a device within the meaning of 21 United States Code, Section 321(h); and

C. By federal or state law, can be lawfully dispensed or administered only on prescription by a licensed health care professional.