

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

SECOND SPECIAL SESSION
September 29, 2021

SECOND REGULAR SESSION
January 5, 2022 to May 9, 2022

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 29, 2021

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 8, 2022

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

Augusta, Maine
2022

joint standing committee may report out a bill to the 131st Legislature in 2023 related to these matters.

See title page for effective date.

CHAPTER 166
S.P. 574 - L.D. 1729

**Resolve, To Assess the
Feasibility of the Production of
Insulin and Insulin Analogs in
Maine**

Sec. 1. Commission established. Resolved:

That the Department of Health and Human Services shall convene a commission consisting of the following 12 members:

1. The Commissioner of Health and Human Services or the commissioner's designee;
2. A representative of the Department of Health and Human Services, Maine Center for Disease Control and Prevention;
3. An individual involved in biomedical research;
4. A representative of the Department of Professional and Financial Regulation, Maine Board of Pharmacy;
5. A representative of the Department of Professional and Financial Regulation, Bureau of Insurance;
6. A representative of the University of Maine System;
7. A resident of the State receiving treatment for diabetes or a representative of an organization that represents or advocates for residents of the State receiving treatment for diabetes;
8. Two physicians licensed to practice within the State having expertise in the treatment of diabetes and related complications;
9. A research scientist having expertise in the synthesis or production of drugs or biologics, including insulin and insulin analogs;
10. A representative of hospitals and health care providers within the State; and
11. A representative of an organization that advocates for greater access to insulin and insulin analogs and that does not accept funding from an insulin or insulin analogs manufacturer.

Sec. 2. Feasibility assessment. Resolved:

That the commission established in section 1 shall assess the feasibility of producing insulin and insulin analogs in the State through the University of Maine System and other appropriate institutions or through a public-private partnership between the University of

Maine System, other appropriate institutions and a licensed drug manufacturer. The commission shall also assess the feasibility of providing the insulin and insulin analogs produced to low-income residents of the State at low or no cost through hospitals, pharmacies and health care providers in the State or at a reduced cost on a means-tested basis. In its assessment, the commission shall consider various factors including:

1. The number of low-income residents of the State who currently require insulin;
2. The ability of the University of Maine System by itself, in partnership with another appropriate institution or through a public-private partnership with a licensed drug manufacturer to produce insulin and insulin analogs in an amount sufficient to fulfill the needs of low-income residents of the State who require insulin;
3. Any long-term cost savings and revenue generation for the State and the University of Maine System;
4. Any long-term cost savings and other benefits to low-income residents of the State who would receive insulin and insulin analogs at low or no cost;
5. Any costs to the University of Maine System and to the State to produce and distribute insulin and insulin analogs, including additional administrative costs;
6. State and federal regulatory or legal obstacles, including requirements for licensure, to the production and distribution of insulin and insulin analogs within the State by the University of Maine System or other appropriate institutions;
7. Available alternative methods for providing insulin and insulin analogs to low-income residents of the State at low or no cost;
8. Options for capping copayments for insulin and insulin analogs provided through private insurers;
9. The potential for the State to engage in volume purchasing of insulin and insulin analogs at reduced cost;
10. The mechanisms by which the State could establish a program to distribute insulin and insulin analogs to residents of the State;
11. Opportunities to establish an interstate compact with other New England states to reduce insulin and insulin analog costs in compact states;
12. Opportunities to establish a public entity to manage the purchasing and distribution of insulin and insulin analogs with the possibility of eventual transition to a private entity;
13. Opportunities to establish a model facility to affordably manufacture insulin and insulin analogs and to distribute insulin and insulin analogs to residents of the State; and

14. Opportunities to procure dedicated funding to support the manufacture of insulin and insulin analogs and the distribution of insulin and insulin analogs to residents of the State.

The commission shall seek input from members of the Legislature when conducting the assessment required by this section.

Sec. 3. Report. Resolved: That, by November 2, 2022, the commission established in section 1 shall provide a report to the Joint Standing Committee on Health and Human Services that includes its assessment under section 2 of the feasibility of manufacturing insulin and insulin analogs in the State and distributing such insulin and insulin analogs to low-income residents of the State at low or no cost and recommendations, including proposed legislation, for promoting insulin and insulin analogs manufacturing in the State through the University of Maine System or a public-private partnership. The joint standing committee may introduce legislation on the basis of the commission's report during the First Regular Session of the 131st Legislature.

See title page for effective date.

CHAPTER 167

H.P. 1326 - L.D. 1775

Resolve, Regarding MaineCare Funding for Maine Schools

Sec. 1. Department of Education and Department of Health and Human Services to develop support system for MaineCare reimbursement. Resolved: That the Department of Education, in collaboration with the Department of Health and Human Services, shall develop a comprehensive system to support school districts, the State's intermediate educational unit and special-purpose private schools in seeking reimbursement for MaineCare-eligible services for all children from birth to grade 12.

Sec. 2. Report. Resolved: That, no later than November 2, 2022, the Department of Education, in collaboration with the Department of Health and Human Services, shall submit a report, including suggested legislation, on the development of the comprehensive system for MaineCare reimbursement under section 1 to the joint standing committee of the Legislature having jurisdiction over education matters. The joint standing committee is authorized to submit legislation related to the report to the 131st Legislature in 2023.

See title page for effective date.

CHAPTER 168

S.P. 723 - L.D. 2010

Resolve, To Help Certain Businesses with Electricity Costs

Sec. 1. Definitions. Resolved: That, as used in this resolve, unless the context otherwise indicates, the following terms have the following meanings.

1. "Commission" means the Public Utilities Commission.

2. "Consumer-owned transmission and distribution utility" has the same meaning as in the Maine Revised Statutes, Title 35-A, section 3201, subsection 6.

3. "Covered utility" means an investor-owned transmission and distribution utility as defined in the Maine Revised Statutes, Title 35-A, section 3104, subsection 1.

4. "Department" means the Department of Economic and Community Development.

5. "Eligible customer" means an entity that during February of 2022 was a medium commercial customer of a covered utility taking standard-offer service.

6. "Fund" means the Energy Rate Relief Fund established in section 6.

7. "Medium commercial customer" means a non-residential customer of a covered utility that takes service under a core customer class electric delivery rate schedule of the covered utility:

A. That includes a demand charge; and

B. In which the customer's maximum demand may not exceed 500 kilowatts or the kilowatt breakpoint stated in the covered utility's applicable electric delivery rate schedule that is closest to, but does not exceed, 500 kilowatts.

8. "Standard-offer service" means the service provided according to the Maine Revised Statutes, Title 35-A, section 3212.

Sec. 2. Identification of eligible customers. Resolved: That, by September 1, 2022, each covered utility shall identify which of its customers are eligible customers and report to the department the number of eligible customers in each relief payment tier specified in section 5, subsections 1 to 3 and the amount of the total payments the covered utility will be required to make to eligible customers in accordance with the department's determination under section 5.

Sec. 3. Energy rate relief payments. Resolved: That, by September 15, 2022, the commission shall verify the amounts reported by each covered utility under section 2 and certify the total amount for each covered utility to the department, the Treasurer of State