

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

FIRST REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
BUSINESS AND ECONOMIC DEVELOPMENT**

JULY 1999

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Sen. Bruce W. MacKinnon*

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ONE HUNDRED NINETEENTH LEGISLATURE
FIRST REGULAR SESSION

Summary Of Legislation Before The Joint Standing and Select Committees
August 1999

We are pleased to provide this summary of all bills that were considered by the Joint Standing and Select Committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing and select committees.

The document is organized for convenient reference to information on bills considered by the committees. It is organized by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

CARRIED OVER.....Bill carried over to Second Regular Session
CON RES XXX..... Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE.....Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....House & Senate disagree; bill died
DIED IN CONCURRENCE..... One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....Action incomplete when session ended; bill died
EMERGENCY..... Enacted law takes effect sooner than 90 days
ENACTMENT FAILED..... Bill failed to get vote required for enactment or final passage
NOT PROPERLY BEFORE THE BODY..... Ruled out of order by the presiding officers; bill died
INDEF PP.....Bill Indefinitely Postponed
ONTP..... Ought Not To Pass report accepted
OTP ND..... Committee report Ought To Pass In New Draft
OTP ND/NT..... Committee report Ought To Pass In New Draft/New Title
P&S XXX..... Chapter # of enacted Private & Special Law
PUBLIC XXX..... Chapter # of enacted Public Law
RESOLVE XXX..... Chapter # of finally passed Resolve
UNSIGNED.....Bill held by Governor
VETO SUSTAINED.....Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 18, 1999.

Committee Amendment "A" (S-58) proposed to clarify the bill by specifying that a dentist would be added to the Board of Dental Examiners until January 1, 2001. After January 1, 2001, the size of the board would revert back to seven members. This amendment also added an allocation section and a fiscal note to the bill.

House Amendment "A" to Committee Amendment "A" (H-163) proposed to provide an allocation to the Department of Professional and Financial Regulation, Board of Dental Examiners rather than to the Office of Licensing and Registration for the additional costs that would result from increasing the membership of the board.

Enacted law summary

Public Law 1999, chapter 124 increased the membership of the Board of Dental Examiners from 7 to 8 by adding a dentist to the Board until January 1, 2001. After January 1, 2001, the board reverts back to 7 members.

LD 505 An Act to Exempt Free Clinics from Payment of Pharmaceutical Registration Fees PUBLIC 42

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE SULLIVAN	OTP-AM	S-20

LD 505 proposed to amend the Maine Pharmacy Act by including a free clinic in the definition of drug outlet. The bill also proposed to exempt free clinics from registration fees required under the Maine Pharmacy Act.

Committee Amendment "A" (S-20) proposed to give the Board of Pharmacy the authority to exempt a free clinic from fees required under the Maine Pharmacy Act. This amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 42 amends the Maine Pharmacy Act by including free clinic in the definition of drug outlet, defines free clinic and authorizes the Maine Board of Pharmacy to exempt a free clinic from fees required under the Act.

LD 526 Resolve, Creating the Commission to Study Economic Development Opportunities for Lewiston and Auburn CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MENDROS BENNETT		

LD 526 is being carried over to the Second Regular Session of the 119th Legislature. The resolve proposes to establish the Commission to Study Economic Development Opportunities for Lewiston and Auburn.

**LD 576 An Act to Update and Amend the Maine Pharmacy Act PUBLIC 130
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMERON	OTP-AM	H-205 O'NEAL H-80

LD 576 proposed to implement the recommendations of the Pharmacy Act Review Group, which was established by the Department of Professional and Financial Regulation to update the Maine Pharmacy Act.

The bill defined automated pharmacy systems and authorized the Maine Board of Pharmacy to establish standards for their use. The bill redefined practitioner, reflecting the increased number of professions that are authorized to prescribe. It allowed the board to use discretion in issuing a license by reciprocity, and aligned the board's license and continuing education cycles with the calendar year. The bill removed the automatic provision of executive session for informal conferences and added breach of confidentiality to the area of unprofessional conduct. The bill allowed a pharmacist to be in charge of more than one outlet with written permission from the board and allowed drug outlets to open prior to state site inspection. The bill tied record retention requirements to those of federal Medicare laws and required dispensed drug labels to include the beyond use date of the drug.

Finally, the bill proposed to establish a statutory review committee to review the current scope of practice for pharmacists and to make recommendations for change if necessary by January 1, 2000.

This bill was submitted on behalf of the Department of Professional and Financial Regulation.

Committee Amendment "A" (H-80) proposed to add an emergency preamble and an emergency clause to the bill. This amendment clarified the definition of "compounding." Reference to the Maine Revised Statutes, Title 22, section 1711-C was removed and breach of confidentiality of health care information pursuant to state law was added to the grounds for discipline. Applications for certificates of registration would be required to include a certification by the pharmacist in charge. This amendment also charged the statutory review committee with the duty of reviewing requirements for the labeling of prescriptions. This amendment also added a fiscal note to the bill.

House Amendment "A" (H-205) proposed to change the date that the statutory review committee must submit a written report from January 1, 2000 to December 31, 1999.

Enacted law summary

Public Law 1999, chapter 130 amends the Maine Pharmacy Act. It defines automated pharmacy systems and authorizes the Maine Board of Pharmacy to establish standards for their use. The law also defines compounding and redefines practitioner. The law allows for issuance of prescription drug orders by electronic transmission. It allows the board to use discretion in issuing a license by reciprocity and aligns the board's license and continuing education cycles with the calendar year. The law removes the mandatory provision of executive session for informal conferences and adds breach of confidentiality to the area of unprofessional conduct. The law allows a pharmacist to be in charge of more than one outlet with written authorization from the board and requires applications for certificates of registration to include a certification by the pharmacist in charge. The law also allows drug outlets to open prior to state site inspection. The law ties record retention requirements to those of federal Medicare laws and requires dispensed drug labels to include the beyond use date of the drug.

Finally, the law establishes a statutory review committee to review the current scope of practice for pharmacists and to make recommendations for change if necessary. The review must address the issues of drug administration, collaborative practice, the current regulatory relationship between the Board of Pharmacy and institutional pharmacies and the current requirements for the labeling of prescriptions. The review committee must also develop standards for the inclusion of both brand names and generic names on prescription labels.

Chapter 130 was enacted as an emergency measure effective May 6, 1999.