

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

FIRST REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
HEALTH AND HUMAN SERVICES**

JULY 1999

MEMBERS:

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Sen. Betty Lou Mitchell*

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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
ONT P.....	Ought Not To Pass report accepted
OT P ND.....	Committee report Ought To Pass In New Draft
OT P 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.

LD 2052**An Act to Prohibit the Use of Juveniles in a Tobacco Enforcement Action****DIED
BETWEEN
BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATERHOUSE	OTP-AM MAJ	
LONGLEY	ONTP MIN	

LD 2052 proposed to preclude the State from using juveniles in any tobacco enforcement action. It proposed to direct the Commissioner of Human Services, the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services, the Commissioner of Public Safety and the Attorney General to jointly develop and implement alternative tobacco enforcement strategies, exclusive of using juveniles for enforcement actions.

Committee Amendment "A" (H-361) adds a fiscal note to the bill.

LD 2078**An Act Allowing Increased Flexibility of Swing Beds****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT	ONTP	
VOLENIK		

LD 2078 proposed to require the Department of Human Services to adopt rules permitting a nursing home to designate the level of care for a bed based on the level of care of the person admitted or to change the level of care for a bed without requiring a certificate of need.

LD 2082**An Act to Reduce the Cost of Prescription Drugs to Qualifying Residents of the State****PUBLIC 431**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARADIS	OTP-AM	S-351
LOVETT		

LD 2082 proposed to establish a program to provide low-cost prescription drugs to Maine residents by giving prescription drug manufacturers the option of entering into a voluntary drug rebate agreement. The program would be modeled after the rebate agreement used in the State's Medicaid and elderly low-cost drug programs. The rebate amount would be applied to the cost of the prescription drugs purchased by residents of the State.

Committee Amendment "A" (S-351) proposed to replace the bill. It proposed to retain the provisions of the bill that establish a program to provide low-cost prescription drugs to Maine residents who are not covered by 3rd-party prescription drug plans by giving prescription drug manufacturers the option of entering into a voluntary drug rebate agreement. The program would be modeled after the rebate agreement used in the State's Medicaid and elderly low-cost drug programs. Rebates would be applied to the costs of the program and to reimbursement to retail pharmacies for discounts provided to residents of the State. The amendment proposed to

prohibit the Department of Human Services from imposing a charge on pharmacies that submit claims or receive payments under the program.

The amendment proposed to require rulemaking to establish discounts for efficacious and lower-cost drugs. The amendment proposed to specify how the discounts must be calculated, according to either the provisions of the Act or rules adopted by the department. The amendment proposed to create a nonlapsing, dedicated fund to receive revenues generated by the rebates paid by pharmaceutical manufacturers and to pay program costs and reimbursement to retail pharmacies for discounts provided to residents. Surplus funds would be used to increase the amount of discounts provided to residents under the program.

The amendment proposed to define "participating retail pharmacy" and "qualifying resident." The amendment proposed to require rulemaking by the Department of Human Services and designate those rules as major substantive rules. The amendment proposed to provide that the rebates from drug manufacturers may be collected beginning February 1, 2000 or as soon thereafter as rules are adopted to implement the program. The amendment proposed to require an annual report by the Department of Human Services that would include information on changes in 3rd-party prescription drug coverage and the financial status of the program. The amendment also proposed to add an allocation section and a fiscal note.

Enacted law summary

Public Law 1999, chapter 431 establishes a program to provide low-cost prescription drugs to Maine residents who are not covered by 3rd-party prescription drug plans by giving prescription drug manufacturers the option of entering into a voluntary drug rebate agreement. The program is modeled after the rebate agreement used in the State's Medicaid and elderly low-cost drug programs. Rebates must be applied to the costs of the program and to reimbursement to retail pharmacies for discounts provided to residents of the State. The law prohibits the Department of Human Services from imposing a charge on pharmacies that submit claims or receive payments under the program.

The law requires rulemaking to establish discounts for efficacious and lower-cost drugs and specifies how the discounts must be calculated, according to either the provisions of the Act or rules adopted by the department. The law creates a nonlapsing, dedicated fund to receive revenues generated by the rebates paid by pharmaceutical manufacturers and to pay program costs and reimbursement to retail pharmacies for discounts provided to residents. Surplus funds must be used to increase the amount of discounts provided to residents under the program.

The law defines "participating retail pharmacy" and "qualifying resident," and designates rules as major substantive rules. The law provides that the rebates from drug manufacturers may be collected beginning February 1, 2000 or as soon thereafter as rules are adopted to implement the program. The law requires an annual report by the Department of Human Services that must include information on changes in 3rd-party prescription drug coverage and the financial status of the program.

LD 2097

**Resolve, Establishing the Commission on Dental and Mental Health
Services for Children**

ONTP

Sponsor(s)
ROWE

Committee Report
ONTP

Amendments Adopted