

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
119TH LEGISLATURE**

**SECOND REGULAR SESSION**

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

**JULY 2000**

**MEMBERS:**

*Sen. Judy A. Paradis, Chair  
Sen. Georgette B. Berube  
Sen. Betty Lou Mitchell*

*Rep. Thomas J. Kane, Chair  
Rep. Joseph E. Brooks  
Rep. Elaine Fuller  
Rep. Michael W. Quint  
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Rep. Thomas F. Shields*

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**ONE HUNDRED NINETEENTH LEGISLATURE**  
**SECOND REGULAR SESSION**

**Summary Of Legislation Before The Joint Standing Committees**  
**July 2000**

We are pleased to provide this summary of 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](http://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:

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  
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE..... Emergency bill failed to get 2/3 vote  
FAILED ENACTMENT/FINAL PASSAGE..... Bill failed to get majority vote  
FAILED MANDATE ENACTMENT..... Bill imposing local mandate failed to get 2/3 vote  
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 Second Regular Session (unless otherwise specified in a particular law) is August 11, 2000.

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commission advises the commissioner on major substantive rules regarding the procedures to be used in setting and reviewing maximum retail prices for prescription drugs. The commission is required to provide annual reports to the Commissioner of Human Services, the Governor and the Legislature by April 1, 2001 and by the 2nd week in January each subsequent year.

- E. The Commissioner of Human Services is required by January 5, 2003 to undertake a process to determine the need for maximum retail prices for prescription drugs. If the process results in a requirement that maximum retail prices be established, those prices must take effect by July 1, 2003. An appeal mechanism is provided and also a mechanism for addressing situations that may threaten or endanger the public health or welfare. A violation of the maximum retail prices is an unfair trade practice.
- F. Subchapter III contains a prohibition on profiteering in prescription drugs by manufacturers, their affiliates and subsidiaries, distributors and labelers of prescription drugs. Profiteering may be punished as a civil violation and may result in an award of triple damages, attorney's fees, punitive damages and costs. A violation of the subchapter is a violation of the Maine Unfair Trade Practices Act.

- 2. It authorizes the State to negotiate and enter into purchasing alliances and regional strategies with governments and public and private entities for the purpose of reducing prescription drug prices for residents of the State.
- 3. It provides statements of findings, intent and purpose.
- 4. It provides appropriations and allocations to fund the provisions of the law.
- 5. If the Commissioner of Human Services establishes maximum retail prices for prescription drugs, the law directs the commissioner to establish a drug formulary and prior authorization for dispensing drugs in the Elderly Low-cost Drug Program. Beginning January 1, 2001, it requires manufacturers and labelers of drugs that participate in the Medicaid program to participate in the drug rebate program in the Elderly Low-cost Drug Program.
- 6. If the Commissioner of Human Services establishes maximum retail prices for prescription drugs, the law directs the commissioner to require prior authorization for the dispensing of drugs in the Medicaid program that would apply to drugs that are priced above the established maximum retail prices. It directs the department to require prior authorization for the dispensing of drugs in the Medicaid program that are provided from manufacturers and labelers who do not enter into rebate agreements with the State under the Maine Rx Program.

**LD 2606**

**An Act to Amend the Laws Regarding Foster Parents**

**PUBLIC 675  
EMERGENCY**

Sponsor(s)  
COTE  
PARADIS

Committee Report  
OTP

Amendments Adopted

LD 2606 proposed to remove the repealer on the section of law allowing foster parents, preadoptive parents or relatives providing care for a child to attend a review or hearing that is held with respect to the child.

***Enacted law summary***

Public Law 1999, chapter 675 removes the repealer on the section of law allowing foster parents, preadoptive parents or relatives providing care for a child to attend a review or hearing that is held with respect to the child.

Public Law 1999, chapter 675 was enacted as an emergency measure effective April 12, 2000.

**LD 2623                      An Act to Clarify Terms of Appointment to the Advisory Committee on Family Development Accounts                      PUBLIC 628**

<u>Sponsor(s)</u> KONTOS		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 2623 proposed to clarify the terms for which members are appointed to the Advisory Committee on Family Development Accounts and includes provisions for vacancies and absences.

***Enacted law summary***

Public Law 1999, chapter 628 clarifies the terms for which members are appointed to the Advisory Committee on Family Development Accounts and includes provisions for vacancies and absences.

**LD 2644                      An Act Relating to Eligibility for the Elderly Low-cost Drug Program                      PUBLIC 707**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-1088
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Prior to changes to the elderly low-cost drug program enacted in Public Law 1999, chapter 401, Part KKK, eligibility for the program extended to all members of a household if any household member was determined to be eligible. The changes enacted in Public Law 1999, chapter 401, Part KKK, inadvertently caused some household members to lose eligibility. LD 2644 proposed to restore household eligibility as it applied before the 1999 changes.

**Committee Amendment "A" (H-1088)** proposed to replace the bill. Current law provides that a person who was eligible for the elderly low-cost drug program under the Maine Revised Statutes, Title 22, section 254 at any time from August 1, 1998 to July 31, 1999 retains eligibility until February 28, 2001 if that person is a member of a household of an eligible person. This amendment would continue such eligibility beyond February 28, 2001. The amendment proposed to clarify that those persons who receive Medicaid benefits who are ineligible for the elderly low-cost drug program are those who receive Medicaid pharmaceutical benefits.