

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR AND FIRST SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed
during the Second Regular or First Special Sessions of the 123rd Maine
Legislature coming from the

**JOINT STANDING COMMITTEE ON APPROPRIATIONS AND
FINANCIAL AFFAIRS**

May 2008

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STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR & FIRST SPECIAL SESSIONS



**LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS**

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the Second Regular or First Special Sessions of the 123rd Maine Legislature.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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:

<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i>	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session (R2) is June 30, 2008. The effective date for non-emergency legislation enacted in the First Special Session (S1) is July 18, 2008.¹ The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills. Any bill summarized in this document having an LD number less than 1932 was a bill carried over from the First Regular Session of the 123rd Legislature.

¹ The session in which each law was enacted or finally passed (R2 or S1) is included in Appendix C.

Joint Standing Committee on Appropriations and Financial Affairs

LD 2226 An Act To Amend the Laws Governing the State's Cash Investment Policies

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN R	OTP-AM MAJ OTP-AM MIN	

This bill makes the following changes to the laws governing investments made by the Treasurer of State.

1. It limits the Treasurer of State to investing money in the cash pool in bonds, notes, certificates of indebtedness or other obligations of the United States.
2. It provides that the primary purposes of investments made by the Treasurer of State are the preservation of capital and the maintenance of maximum liquidity.
3. It provides that at least 95% of investments made by the Treasurer of State must be in instruments with maturities of 9 months or less and may not be subject to a call option. Not more than 5% of investments made by the Treasurer of State may be in instruments with maturities that exceed 9 months and may be subject to a call option.
4. It provides that investment decisions may be made by an employee of the Treasurer of State or by a person pursuant to a contract with the Treasurer of State, subject to oversight by the Treasurer of State, but such an employee or person shall demonstrate to the satisfaction of the Treasurer of State sufficient investment experience and professional skills and qualifications suitable to make such decisions.
5. It provides that the Treasurer of State and a person who makes investment decisions shall identify an appropriate index to track and compare investment performance.
6. It provides that a contract for investment advisory services entered into by the Treasurer of State may not exceed a term of 3 years and is subject to termination at the discretion of the Treasurer of State.

LD 2231 An Act To Reduce the Cost of Prescription Drugs Purchased by the State and Counties by Using Section 340B of the Federal Public Health Service Act

**P & S 43
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM MAJ ONTP MIN	H-1011

The purpose of this bill is to reduce the cost of prescription drugs purchased by the State and counties by expanding access to discounted prescription drugs under the federal 340B program. The bill: 1) Requires that counties and the Department of Corrections contract only with entities that are eligible to participate, and make reasonable efforts to participate, in the purchase of prescription drugs under Section 340B of the federal Public Health Service Act; and 2) Directs the Department of Health and Human Services and the Department of Corrections to each develop a plan to maximize access to prescription drugs through Section 340B of the federal Public Health Service Act.

Committee Amendment "A" (H-1011)

This amendment replaces the bill and removes language that requires that counties and the Department of Corrections contract only with entities that are eligible to participate in the purchase of prescription drugs under Section 340B of the federal Public Health Service Act. It requires the Governor's Office of Health Policy and Finance to coordinate with the Department of Health and Human Services, other state agencies and representatives of state employees, health care providers and federally qualified health centers to identify opportunities to provide prescription drugs through Section 340B. It directs the Department of Health and Human Services to prepare and issue a request for proposal for specialty drugs with the greatest potential for savings. It directs the Department of Corrections to convene a working group to identify opportunities for cost savings through Section 340B. It directs the Department of Corrections to enter into negotiations with its current medical services and pharmacy contractor to

Joint Standing Committee on Appropriations and Financial Affairs

recover a greater percentage of rebates and discounts paid by prescription drug manufacturers and wholesalers.

Enacted Law Summary

Private and Special Law 2007, chapter 43 requires the Governor's Office of Health Policy and Finance to coordinate with the Department of Health and Human Services, other state agencies and representatives of state employees, health care providers and federally qualified health centers to identify opportunities to provide prescription drugs through Section 340B. It directs the Department of Health and Human Services to prepare and issue a request for proposal for specialty drugs with the greatest potential for savings. It directs the Department of Corrections to convene a working group to identify opportunities for cost savings through Section 340B. It directs the Department of Corrections to enter into negotiations with its current medical services and pharmacy contractor to recover a greater percentage of rebates and discounts paid by prescription drug manufacturers and wholesalers.

Private and Special Law 2007, chapter 43 was enacted as an emergency measure effective April 16, 2008.

LD 2289 An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009

PUBLIC 539

Sponsor(s)

FISCHER

Committee Report

Amendments Adopted

LD 2289 was introduced in the House without reference to a committee. It incorporated all of Committee Amendment "A" to LD 2173 (H-806) plus House Amendment "P" to Committee Amendment "A" (H-840) and Senate Amendment "S" to Committee Amendment "A" (S-519).

Enacted Law Summary

Public Law 2007, chapter 539 achieves a net savings to the General Fund of \$190,775,079 and a net cost to the Fund for a Healthy Maine of \$2,265,450

PART A makes appropriations and allocations of funds for the 2008-2009 biennium.

PART B makes appropriations and allocations of funds for approved reclassifications and range changes.

PART C relates to the funding of K-12 education.

PART D makes appropriations and allocations of funds for initiatives that streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

PART E contains implementing language for initiatives that streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

PART F increases fees related to food inspection and licensing by the Department of Health and Human Services and directs the departments involved in the process to eliminate any duplication of their jurisdictions.

PART G provides dedicated funding for the Harness Racing Commission from revenues collected by the commission, the state share of the handle and a portion of slot machine income.

PART H requires transfers from the Accident, Sickness and Health Insurance Internal Service Fund, and health insurance excess equity reserve funds to the General Fund.