

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the First Regular Session of the 124th Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON BUSINESS, RESEARCH
AND ECONOMIC DEVELOPMENT**

July 2009

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STATE OF MAINE

124TH LEGISLATURE
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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 First Regular Session of the 124th 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:

CARRIED OVER.....	Carried over to a subsequent session of the Legislature
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; bill died
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted; bill died
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

The effective date for non-emergency legislation enacted in the First Regular Session of the 124th Legislature is September 12, 2009. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Business, Research and Economic Development

opioid or narcotic drug to be prescribed in certain circumstances by a health care practitioner with specialized expertise and training, requiring that a patient's opioid or narcotic drug be prescribed by only one prescriber at a time, prohibiting a controlled substance from being dispensed by mail and allowing a patient to obtain a controlled substance at only one pharmacy.

Committee Amendment "A" (S-108)

This amendment replaces the bill with a resolve that directs the Board of Licensure in Medicine to convene stakeholders to develop common protocols for the use and administration of controlled substances for adoption by all licensed prescribers by February 1, 2010. The Joint Standing Committee on Business, Research and Economic Development is authorized to submit legislation on the subject matter of the resolve to the Second Regular Session of the 124th Legislature.

Enacted Law Summary

Resolve 2009, chapter 56 directs the Board of Licensure in Medicine to convene stakeholders to develop common protocols for the use and administration of controlled substances for adoption by all licensed prescribers by February 1, 2010. The Joint Standing Committee on Business, Research and Economic Development is authorized to submit legislation on the subject matter of the resolve to the Second Regular Session of the 124th Legislature.

LD 1196 An Act To Ensure Royalties to Visual Artists

**LEAVE TO
WITHDRAW**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	LTW	

This bill requires that an artist receive a minimum 5% royalty on the resale of a work of fine art sold for more than \$1,000. It guarantees the right to attempt to pursue damages for the failure to pay royalties. This bill also establishes the Maine Arts Commission Visual Artists Fund for the purpose of holding royalties owed to artists that have not received those royalties yet.

LD 1223 An Act To Allow Pharmacists To Administer Certain Immunizations

PUBLIC 308

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOGAN RAYE	OTP-AM	H-473

This bill allows a pharmacist to administer drugs and immunizations. The Department of Professional and Financial Regulation, Maine Board of Pharmacy shall adopt routine technical rules to implement this bill.

Committee Amendment "A" (H-473)

This amendment allows a pharmacist to administer certain drugs and immunizations, including the influenza vaccine, intranasal influenza vaccine, pneumococcal vaccine, shingles or herpes zoster vaccine, tetanus-diphtheria-pertussis vaccine and tetanus-diphtheria vaccine with certain restrictions. It allows a licensed pharmacist to administer all forms of influenza vaccines to a person 9 years of age or older without a prescription. It also allows a licensed pharmacist to administer the pneumococcal vaccine, shingles or herpes zoster vaccine, tetanus-diphtheria-pertussis vaccine and tetanus-diphtheria vaccine to a person with a valid prescription when the

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person has an existing primary care physician or other existing relationship with an authorized Maine practitioner. In cases in which the person does not have an existing relationship with a primary care physician or other Maine practitioner the pharmacist may administer the vaccine according to a treatment protocol established by an authorized practitioner or a written standing order from a practitioner authorized under the laws of this State to issue an order, a prescription or a protocol to a person 18 years of age or older for pneumococcal vaccine, shingles or herpes zoster vaccine, tetanus-diphtheria-pertussis vaccine or booster tetanus-diphtheria vaccine.

It also amends the continuing pharmacy education requirements for licensure renewal and establishes certain training requirements in order for a licensed pharmacist to be able to administer a drug or immunization. It establishes a treatment protocol for the administration of the drugs and immunizations. It provides that reimbursement under the MaineCare program is contingent on the adoption of a billing mechanism by the Department of Health and Human Services for the MaineCare program and amendment of the rules of the MaineCare benefits manual to cover the service provided at a minimum of the current average wholesale price reimbursement rate plus a dispensing fee of \$3.35. Prior to the adoption of a billing mechanism, a MaineCare member that receives a vaccination must be told in advance that the administration of vaccines provided by a pharmacist is not covered by MaineCare and the member will be responsible for payment.

Enacted Law Summary

Public Law 2009, chapter 308 allows a pharmacist to administer certain drugs and immunizations, including the influenza vaccine, intranasal influenza vaccine, pneumococcal vaccine, shingles or herpes zoster vaccine, tetanus-diphtheria-pertussis vaccine and tetanus-diphtheria vaccine with certain restrictions. It allows a licensed pharmacist to administer all forms of influenza vaccines to a person 9 years of age or older without a prescription. It also allows a licensed pharmacist to administer the pneumococcal vaccine, shingles or herpes zoster vaccine, tetanus-diphtheria-pertussis vaccine and tetanus-diphtheria vaccine to a person with a valid prescription when the person has an existing primary care physician or other existing relationship with an authorized Maine practitioner. In cases in which the person does not have an existing relationship with a primary care physician or other Maine practitioner, the pharmacist may administer the vaccine according to a treatment protocol established by an authorized practitioner or a written standing order from a practitioner authorized under the laws of this State to issue an order, a prescription or a protocol to a person 18 years of age or older for pneumococcal vaccine, shingles or herpes zoster vaccine, tetanus-diphtheria-pertussis vaccine or booster tetanus-diphtheria vaccine.

The law also amends the continuing pharmacy education requirements for licensure renewal and establishes certain training requirements in order for a licensed pharmacist to be able to administer a drug or immunization. It establishes a treatment protocol for the administration of the drugs and immunizations.

The law provides that reimbursement under the MaineCare program is contingent on the adoption of a billing mechanism by the Department of Health and Human Services for the MaineCare program and amendment of the rules of the MaineCare benefits manual to cover the service provided at a minimum of the current average wholesale price reimbursement rate plus a dispensing fee of \$3.35. Prior to the adoption of a billing mechanism, a MaineCare member that receives a vaccination must be told in advance that the administration of vaccines provided by a pharmacist is not covered by MaineCare and the member will be responsible for payment.

LD 1240 Resolve, Directing the Commissioner of Professional and Financial Regulation To Conduct a Sunrise Review Regarding a Proposal To License Wetland Scientists

RESOLVE 73

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EBERLE TRAHAN	OTP-AM	H-249