

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON LABOR, COMMERCE,
RESEARCH AND ECONOMIC DEVELOPMENT**

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STATE OF MAINE

126TH LEGISLATURE
FIRST REGULAR SESSION



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 126th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD 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 LD is noted to the right of the LD title. The following describes the various final actions.

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; legislation died
DIED BETWEEN HOUSES.....House & Senate disagreed; legislation died
DIED IN CONCURRENCE.....defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX.....chapter # of enacted public Law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 126th Legislature is October 9, 2013. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Labor, Commerce, Research and Economic Development

requirement to the individual.

LD 171

An Act To Facilitate the Personal Importation of Prescription Drugs from International Mail Order Prescription Pharmacies

PUBLIC 373

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T TREAT	OTP-AM OTP-AM	S-241

The purpose of this bill is to facilitate the licensing of international mail order prescription pharmacies by the Maine Board of Pharmacy. This bill:

1. Specifies that, for the purposes of the Maine Pharmacy Act, "mail order prescription pharmacy" includes an entity located outside the United States that dispenses prescription medications by mail or carrier from a facility not located in this State to a pharmacy or to a patient who resides in this State; and
2. Authorizes the Maine Board of Pharmacy to enter into reciprocal inspection agreements with any country in which a mail order prescription facility that sells drugs to Maine citizens is located.

Committee Amendment "A" (S-241)

This amendment replaces the bill and is the majority report of the committee. It amends the Maine Pharmacy Act to exempt from the licensure requirements of the Act licensed retail pharmacies that are located in Canada, the United Kingdom of Great Britain and Northern Ireland, the Commonwealth of Australia or New Zealand that meet the respective foreign country's statutory and regulatory requirements, as well as entities that contract to provide or facilitate the exportation of prescription drugs from these licensed retail pharmacies, and authorizes these retail pharmacies and entities to provide prescription drugs by mail or carrier to a resident of this State for that resident's personal use. It also amends the Maine Pharmacy Act to provide that nothing in the Act may be construed to prohibit individuals from ordering or receiving prescription drugs for their personal use from licensed retail pharmacies in the above-mentioned countries or contracting entities or to prohibit such a licensed retail pharmacy or contracting entity from dispensing, providing or facilitating the provision of prescription drugs from outside the United States.

Committee Amendment "B" (S-242)

This amendment is the minority report of the committee. It amends the bill to provide that, if the United States Secretary of Health and Human Services certifies to Congress that the importation of prescription drugs poses no additional risk to the public's health and safety and will result in a significant reduction in the cost of covered products to the American consumer pursuant to 21 United States Code, Section 384 (2013), the Department of Professional and Financial Regulation, Maine Board of Pharmacy is required to establish standards allowing for the personal importation of prescription drugs from Canada by residents of the State. The board is required to establish the standards for reciprocal inspection agreements between the board and licensed retail pharmacies in Canada, subject to the following restrictions:

1. An entity that dispenses prescription drugs for personal use pursuant to these provisions is prohibited from requiring that the consumer or beneficiary waive the right to bring any cause of action against the entity that is available under state or federal law; and
2. An entity that dispenses prescription drugs for personal use pursuant to these provisions is prohibited from requiring that a cause of action by a resident of this State be brought in a jurisdiction other than this State or the United States District Court for the District of Maine. The board is required to assume any liability for prescription drugs dispensed to a resident of this State by a pharmacy authorized to mail prescription drugs into this State as a result of a reciprocal inspection agreement.

Joint Standing Committee on Labor, Commerce, Research and Economic Development

It also provides that, until such certification is granted by the United States Secretary of Health and Human Services, the board is required to direct residents of the State that request additional information on the safe importation of prescription drugs through Internet pharmacies to organizations that provide consumers with information from a nationwide partnership for prescription assistance and partnership for safe medicines on how to reduce costs associated with prescription drugs and how to ensure the safety of prescription drugs.

It also adds a contingent effective date to the sections of the bill that amend the definition of "mail order prescription pharmacy" and amend provisions regarding reciprocal inspections so that these changes do not take effect unless the United States Secretary of Health and Human Services certifies to Congress that the importation of prescription drugs poses no additional risk to the public's health and safety and will result in a significant reduction in the cost of covered products to the American consumer.

Enacted Law Summary

Public Law 2013, chapter 373 amends the Maine Pharmacy Act to exempt from the licensure requirements of the Act licensed retail pharmacies that are located in Canada, the United Kingdom of Great Britain and Northern Ireland, the Commonwealth of Australia or New Zealand that meet the respective foreign country's statutory and regulatory requirements, as well as entities that contract to provide or facilitate the exportation of prescription drugs from these licensed retail pharmacies, and authorizes these retail pharmacies and entities to provide prescription drugs by mail or carrier to a resident of this State for that resident's personal use. In addition, it amends the Maine Pharmacy Act to provide that nothing in the Act may be construed to prohibit individuals from ordering or receiving prescription drugs for their personal use from licensed retail pharmacies in the above-mentioned countries or contracting entities or to prohibit such a licensed retail pharmacy or contracting entity from dispensing, providing or facilitating the provision of prescription drugs from outside the United States.

LD 235 An Act To Improve Insurance Coverage for Volunteer First Responders

**DIED IN
CONCURRENCE**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON C	OTP-AM	S-76
LONG	OTP-AM	S-333 HILL
	ONTP	

This bill clarifies that an injury suffered by a volunteer firefighter or volunteer emergency medical services person that occurs at any time after the firefighter or emergency medical services person receives notice of a fire or emergency and is in the process of responding is compensable under the Maine Workers' Compensation Act of 1992.

Committee Amendment "A" (S-76)

This amendment, which is the majority report of the committee, creates a rebuttable presumption, in place of the absolute right created by the bill regarding personal injuries that are compensable under the Maine Workers' Compensation Act of 1992, and applies the rebuttable presumption to paid firefighters and emergency medical services persons as well as volunteers. The amendment also applies to both paid and volunteer firefighters and emergency medical services persons the bill's prohibition on an employer's or insurer's seeking to limit workers' compensation benefits to only those injuries that occur after the firefighter or emergency medical services person begins traveling on a public way.

Committee Amendment "B" (S-77)

This amendment, which is the minority report of the committee, creates a rebuttable presumption, in place of the absolute right created by the bill regarding personal injuries that are compensable under the Maine Workers'