

Maine Rx will be cloned

Imitation is the sincerest form of flattery, of course

It's always nice when Maine gets a chance to live up to the state motto — "Dirigo" — and provide a little leadership on an issue of national importance.

The Clean Election Act, which provides public funding for political candidates and reduces the influence of well-heeled private and special interest contributors on state elections, is a good example.

And now, the Maine Rx law may be another.

When the U.S. Supreme Court ruled this week that Maine could go ahead with its program to lower prescription drug prices for the elderly, working poor and others, it opened the way for similar ideas to flourish in other states.

The court's finding, while not a final ruling on the Maine Rx program, makes it possible to test the workability of the law and help nearly one-third of the state's residents pay for vital medicines.

It could put an end to those long and wearying bus treks to Canada by Maine seniors seeking affordable prescription drugs to help them avoid the tradeoffs that can put their health at risk in other ways ... going hungry, for example.

Gov. Baldacci immediately pledged to start enforcing the law, which calls for the state to negotiate, and eventually compel, lower prescription prices for the uninsured.

"We're going to move forward," the governor declared. "It's going to be implemented."

That's brave talk, considering that the Supreme Court justices made it clear they were not ruling on the merits of the law at this point, only giving Maine the go-ahead to begin dealing with the pharmaceutical companies.

Also, new startup funding for the program must now be unearthed.

The state passed the Maine Rx program nearly three years ago but it was put on hold almost immediately when a federal judge granted an injunction until a lawsuit filed by the Pharmaceutical Research and Manufacturers of America could be settled. That law-



A Maine notebook

Jim Brunelle

MS
5-22-03

suit continues to drag through the lower courts.

Industry lawyers have long argued that the pharmaceutical community needs to keep prices high in order to fund essential research and development of wonder drugs to come, and that it is also interested in preserving the integrity of Medicaid, interstate commerce and the Constitution.

Maine argues that the industry is primarily interested in maintaining enormous profits for itself. The state says that by using collective bargaining techniques it can negotiate discount prices comparable to those now charged for the same brands in Canada and other foreign nations.

This argument needs to be settled. Meantime, thousands of Maine residents are being socked with enormously high-priced drugs that they desperately need to keep healthy and, in some instances, just to stay alive.

Over time, several other states have tried to put together prescription drug programs, some of them weakly conceived.

Pennsylvania, for instance, has a subsidy program for the elderly financed by the state lottery. Unfortunately, while profits from the lottery remain flat, prescription drug prices have soared, substantially undercutting the effectiveness of the program.

About 20 state legislatures currently have bills similar to the Maine Rx program under consideration. Until now, the holdup has been the federal injunction against implementation of the Maine plan.

Understandably these states have been reluctant to pass laws that could be struck down before they have a chance to be put into practice. And as the pharmaceutical in-

Maine residents are being socked with high-priced drugs that they desperately need to keep healthy and, in some instances, to stay alive.

dustry's legal challenge to the Maine law continues to work its way through the judicial system toward the Supreme Court, these other states may continue to hold up their own plans.

Or they may not.

Now that the high court has ruled that Maine can go ahead with the Rx program — and we clearly will — some of these other states may well see benefit in jumping into the cost-cutting pool at this point.

It would be enormously helpful to the cause if they did. It would bring considerable strength to the affordable-drugs movement, encourage Congress to get cracking at the federal level and set the stage for putting a national program in effect quickly should the Maine Rx program be given a clean bill of health by the courts down the line.

The Baldacci administration is right to pledge quick action.

At the same time, Maine should encourage other states on the verge of passing similar laws to do so quickly and join in the hard work of leaning on drug companies to lower their prices as soon as possible.

Maine has led the way down this important political path. Now we could use a few active followers.

Jim Brunelle of Cape Elizabeth has commented on Maine issues for more than 35 years. His e-mail address is jbrune@maine.rr.com