

No. 01-188

IN THE
Supreme Court of the United States

PHARMACEUTICAL RESEARCH and
MANUFACTURERS OF AMERICA,
Petitioner,

v.

KEVIN CONCANNON, COMMISSIONER,
MAINE DEPARTMENT OF HUMAN SERVICES, and
THE MAINE ATTORNEY GENERAL,
Respondents.

**On Writ of Certiorari to the
United States Court of Appeals
for the First Circuit**

**BRIEF OF *AMICI CURIAE* MAINE COUNCIL OF
SENIOR CITIZENS, VIOLA QUIRION, MICHELLE
CAMPBELL AND RICHARD DONAHUE, M.D.
IN SUPPORT OF KEVIN CONCANNON AND
G. STEVEN ROWE AND AFFIRMANCE**

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QUESTIONS PRESENTED

Amici will address both questions presented in the petition:

1. Whether the purpose of the federal Medicaid statute, 42 U.S.C. §1396 *et seq.*, is frustrated if Maine considers *any* drug for prior authorization status as a result of the drug manufacturer's choice not to negotiate with the State better prices for uninsured and underinsured consumers not eligible for Medicaid?
2. Whether Maine violates the Commerce Clause by negotiating with out-of-state manufacturers for discounts for uninsured or underinsured consumers?

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