

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

*State Of Maine  
121st Legislature*

*First Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Health and Human Services*

*July 2003*

**Staff:**

*Jane Orbeton, Senior Analyst  
Lucia Nixon, Legislative Analyst*

*Office of Policy and Legal Analysis  
13 State House Station  
Augusta, ME 04333  
(207) 287-1670*

**Members:**

*Sen. Michael F. Brennan, Chair  
Sen. John L. Martin  
Sen. Carol Weston*

*Rep. Thomas J. Kane, Chair  
Rep. Edward R. Dugay  
Rep. Marie Laverriere-Boucher  
Rep. Margaret M. Craven  
Rep. William M. Earle  
Rep. William R. Walcott  
Rep. Thomas F. Shields  
Rep. Darlene J. Curley  
Rep. James J. Campbell, Sr.  
Rep. Sarah O. Lewin*

# Maine State Legislature



## Office Of Policy And Legal Analysis Office Of Fiscal And Program Review

### 121st Maine Legislature First Regular Session

#### Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint select committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills considered by the committees. It is arranged alphabetically by committee name and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet ([www.state.me.us/legis/opla](http://www.state.me.us/legis/opla)).

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>CARRIED OVER PURSUANT TO HP 1212</i> .....	<i>Bills carried over to the 2<sup>nd</sup> Regular Session</i>
<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 &amp; 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</i>
<i>ONTP</i> .....	<i>Ought Not To Pass report accepted</i>
<i>OTP-ND</i> .....	<i>Committee report Ought To Pass In New Draft</i>
<i>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PASSED</i> .....	<i>Joint Order passed in both bodies</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>

Please note that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

**David C. Elliott, Director**  
Offices located in Room 215 of the Cross Office Building

## *Joint Standing Committee on Health and Human Services*

**Committee Amendment "A" (H-255)** proposed to replace the bill with a resolve. It proposed to require the Maine Health Data Organization to evaluate its current system of annual assessments and user fees and make recommendations for improvement to the Joint Standing Committee on Health and Human Services by January 30, 2004. The amendment proposed to add a fiscal note to the resolve.

### *Enacted Law Summary*

Resolve 2003, chapter 35 requires the Maine Health Data Organization to evaluate its current system of annual assessments and user fees and make recommendations for improvement to the Joint Standing Committee on Health and Human Services by January 30, 2004.

**LD 535**                      **An Act To Strengthen Health Data Information and Health Planning**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TURNER DUDLEY		

LD 535 proposes to establish the State Health Planning Commission to adopt a statewide comprehensive health plan by November 1, 2003 and every 2 years thereafter and to report to the Legislature and the Department of Human Services once every 2 years. The bill proposes to require the Maine Health Data Organization to work with other organizations to evaluate health outcomes and clinical pathways. It also proposes to require the Maine Health Data Organization to collect data on total health care system utilization, costs and revenues and to release information to the public in a user-friendly manner.

**LD 553**                      **Resolve, To Study the Needs of Deaf and Hard-of-hearing Children and Adolescents**                      **RESOLVE 84**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS SMITH W	OTP-AM	H-553 RICHARDSON J H-590 DUPLESSIE S-182

LD 553 proposed to establish the Task Force to Study the Needs of Deaf and Hard-of-hearing Children and Adolescents.

**Committee Amendment "A" (S-182)** proposed to add 6 members to the Task Force to Study the Needs of Deaf and Hard-of-hearing Children and Adolescents. It proposed to clarify the duties of the task force regarding mental health services and educational services.

**House Amendment "A" (H-590)** proposed to remove the emergency preamble and emergency clause from the resolve.

**House Amendment "A" to Committee Amendment "A" (H-553)** proposed to change who appoints the 11 public members of the task force from the Governor to the Speaker of the House and the President of the Senate,

## *Joint Standing Committee on Health and Human Services*

who would appoint 5 and 6 members respectively. The amendment proposed to authorize the task force to hold up to 4 meetings. It also proposed to allow public members of the task force to receive a per diem upon a demonstration of financial hardship and to change the reporting date from December 10, 2003 to December 3, 2003.

### ***Enacted Law Summary***

Resolve 2003, chapter 84 establishes the Task Force to Study the Needs of Deaf and Hard-of-hearing Children and Adolescents. The task force is composed of 4 legislators, 11 members of the public, the Commissioner of Human Services, the Commissioner of Education and the Commissioner of Behavioral and Developmental Services. The task force is authorized to meet up to 4 times and is required to submit a report, including suggested legislation, to the 2<sup>nd</sup> Regular Session of the 121<sup>st</sup> Legislature no later than December 3, 2003.

**LD 554**

**An Act To Protect Against Unfair Prescription Drug Practices**

**PUBLIC 456**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM MAJ	S-204
LEMOINE	ONTP MIN	

LD 554 proposed to specify the fiduciary duties of pharmacy benefits managers and the obligation to serve the covered entities with whom they contract and the covered individuals provided health care benefits by the covered entities. The bill proposed to prohibit contractual terms that are inconsistent with the pharmacy benefits manager's fiduciary duties. The bill proposed to require payment to a pharmacy benefits manager based on volume of certain drugs or as a result of substitution of drugs to be passed on to the covered entity or covered individuals. The bill proposed to require disclosure of financial terms that apply between a pharmacy benefits manager and a manufacturer or labeler. The bill proposed to require consultation with and agreement of the prescribing health professional or a representative of that professional before a pharmacy benefits manager may switch a prescription drug to be dispensed to a covered individual. The bill proposed to prohibit agreements to waive provisions of the law. Violations of the law would be violations of the Maine Unfair Trade Practices Act and would be enforceable by private action or the Attorney General.

**Committee Amendment "A" (S-204)** proposed to make the following changes in the bill:

1. Remove references to the Employee Retirement Income Security Act of 1974.
2. Remove the requirement that payments to the pharmacy benefits manager based on volume of sales be passed on to the covered individual and retains the requirement that they be passed on to covered entities.
3. Clarify the procedural requirements for substituting a different drug for a prescribed drug.
4. Remove the fiduciary relationship between the pharmacy benefits manager and persons served by a covered entity.

### ***Enacted Law Summary***