

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on
Health and Human Services*

August 2005

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Maine State Legislature

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122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 organized by committees 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. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included 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).

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 Bill Carried Over to Second Regular Session
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
ONTP..... Ought Not To Pass report accepted
OTP ND..... Committee report Ought To Pass In New Draft
OTP ND/NT..... Committee report Ought To Pass In New Draft/New Title
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

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

Joint Standing Committee on Health and Human Services

Public Law 2005, chapter 165 requires the Department of Health and Human Services to establish a prescription drug program to provide access to drugs from out of the State and out of the country for residents who are elderly or have disabilities. The program allows access to brand-name drugs in original sealed packaging. The program does not provide access to habit-forming drugs for the alleviation of pain or antibiotics for acute illnesses. The program requires the patient to show evidence of use of a pharmacist licensed in the State to coordinate all prescriptions and prevent harmful drug interactions. The program includes a procedure for random testing. The law includes authority to adopt rules, which are designated as routine technical rules. The law requires the program to operate in conformance with federal and state law and rule and authorizes it to operate when permitted by federal law or under a federal waiver. The law requires the Department of Health and Human Services to specifically approve the use of any pharmacy outside the country that is used by the program.

LD 514 An Act To Preserve the Fund for a Healthy Maine ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHATZ DAMON	ONTP	

LD 514 proposed to deallocate \$6,500,000 per year allocated under the 2006-2007 biennium current services budget to the Fund for a Healthy Maine - Bureau of Health program and allocate these funds to a new Fund for a Healthy Maine - Healthy Maine Partnerships program in order to preserve funding for Healthy Maine Partnerships organizations. These funds would remain available until expended for this purpose and would not be available for transfer or use outside of the Fund for a Healthy Maine.

LD 519 An Act To Strengthen the Laws Concerning Methadone Clinics ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNN PERRY J	ONTP MAJ OTP MIN	

LD 519 proposed to require an applicant for a methadone clinic to submit to criminal record and other background checks, require a business and treatment plan for a new methadone clinic to provide ongoing counseling for clinic clients and require a new clinic to have been issued a certificate of need.

LD 545 Resolve, To Improve Procedures for Assessing the Mental Health Services Needs of Older Individuals RESOLVE 55

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ANDREWS RICHARDSON J	OTP-AM	S-209

LD 545 proposed to direct the Department of Health and Human Services to:

Joint Standing Committee on Health and Human Services

1. Adopt rules to develop a mental health assessment screen to be used in the needs assessment of applicants for long-term care services;
2. Develop an efficient, cost-effective data collection process to identify consumers in need of mental health services in all long-term care settings;
3. Convene a working group of interested parties to assist the department in developing a mental health assessment screen as part of the needs assessment of applicants for long-term care services and a data collection process to identify consumers in need of mental health services in long-term care settings; and
4. Submit a report on its progress in developing a mental health assessment screen as part of the needs assessment of applicants for, and a data collection process to identify consumers in need of mental health services in, long-term care settings, including suggested legislation, to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than February 1, 2006.

Enacted law summary

Resolve 2005, chapter 55 directs the Department of Health and Human Services to recommend a procedure for the timely assessment of an older individual's need for mental health services, including recommendations on an efficient, cost-effective data collection process to identify consumer needs for mental health services for older persons, regardless of the setting. The resolve also requires the Department of Health and Human Services and the Joint Advisory Committee on Select Services for Older Persons, in consultation with other consumers, providers and advocates, to undertake a review and make recommendations on a mental health assessment screen as part of the needs assessment of applicants for long-term care services and several other issues pertaining to the status of mental health services to persons over 60 years of age. The resolve also directs the department to consult with the Joint Advisory Committee on Select Services for Older Persons, the State Board of Nursing and the Department of Education to review training curricula for direct care workers in all long-term care settings and to recommend revisions to the curricula necessary to include a stronger focus on the identification of and management of behavioral disorders in the long-term care population.

The department and the Joint Advisory Committee on Select Services for Older Persons are required to jointly submit a report, including recommendations on these issues and suggested legislation, to the Joint Standing Committee on Health and Human Services by January 14, 2006.

LD 553

**Resolve, Regarding Responsible Management of Point-of-sale
Marketing Materials for Tobacco Products**

RESOLVE 46

Sponsor(s)
BOWEN

Committee Report
OTP-AM

Amendments Adopted
H-343

LD 553 proposed to prohibit the display of tobacco products, smoking paraphernalia or displays that market tobacco products or smoking paraphernalia in a manner that can be viewed by minors. This bill also proposed to eliminate the exception to the law governing the manner of displaying and offering for sale of tobacco products of the display or offering for sale of tobacco products in packages of 10 or more.