

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

JOINT STANDING COMMITTEE ON HEALTH AND HUMAN SERVICES

July 2007

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STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill 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 bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

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 (or Accepted ONTP report).....	Ought Not To Pass report accepted
OTP-ND.....	Committee report Ought To Pass In New Draft
P&S XXX.....	Chapter # of enacted Private & Special Law
PASSED.....	Joint Order passed in both bodies
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 that the effective date for non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Health and Human Services

Enacted Law Summary

Public Law 2007, chapter 327 directs the Department of Health and Human Services to establish a program to provide a scientifically-based drug information program to drug prescribers. The program will be coordinated within the clinical trials and drug safety programs in DHHS.

LD 859 An Act To Restrict the Smoking Exemption for Tobacco Specialty Stores

PUBLIC 180

Sponsor(s)

TURNER

Committee Report

OTP

Amendments Adopted

This bill limits the exemption granted to tobacco specialty stores from the public place smoking prohibition. The bill provides that the on-premises service, preparation or consumption of food or drink, if the tobacco specialty store is not licensed for such service or consumption prior to January 1, 2007, is prohibited in such a store. It also provides that smoking a waterpipe or hookah is prohibited in a tobacco specialty store that is newly licensed or that requires a new license after January 1, 2007.

Enacted Law Summary

Public Law 2007, chapter 180 limits the exemption granted to tobacco specialty stores from the public place smoking prohibition. The law provides that the on-premises service, preparation or consumption of food or drink, if the tobacco specialty store is not licensed for such service or consumption prior to January 1, 2007, is prohibited in such a store. It also provides that smoking a waterpipe or hookah is prohibited in a tobacco specialty store that is newly licensed or that requires a new license after January 1, 2007.

LD 880 An Act To Increase the Amount of Money a Resident in a Nursing Home May Spend on Personal Expenses

DIED ON
ADJOURNMENT

Sponsor(s)

SNOWE-MELLO

Committee Report

OTP-AM

Amendments Adopted

S-39

This bill increases the amount of money a nursing home resident may retain for personal expenses.

Committee Amendment "A" (S-39)

This amendment adds a section to the bill, providing a General Fund appropriation for the state share of MaineCare costs and an allocation for matching federal funds.

This bill died in the Senate on adjournment.

See also LD 652.

LD 883 An Act To Allow a Self-pay Patient To Choose between Generic and Brand-name Medications

PUBLIC 85

Sponsor(s)

ROSEN R

Committee Report

OTP-AM

Amendments Adopted

S-40

Joint Standing Committee on Health and Human Services

This bill allows a patient who pays for prescription drugs to choose between a brand-name drug and a generic and therapeutically equivalent drug.

Committee Amendment "A" (S-40)

This amendment retains the provisions of the bill that allow a self-pay patient to purchase prescribed brand-name drugs even if the prescriber has not indicated that the prescription is for brand-name only. The amendment excludes from this provision drugs that are listed as Schedule II drugs on the federal drug schedule.

Enacted Law Summary

Public Law 2007, chapter 85 allows a self-pay patient to choose between generic and brand-name drugs, except in the case of Schedule II drugs. The law requires the generic be dispensed unless the prescriber has indicated that the brand-name must be dispensed.

LD 899 **Resolve, To Establish a Committee To Examine the Impacts of the 1993 Amendments to General Assistance Program Eligibility** ONTP

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

This resolve directs the Commissioner of Health and Human Services to convene the General Assistance Program Committee to examine the impact that the standard of income eligibility for general assistance, which is based on 110% of the United States Department of Housing and Urban Development Fair Market Rent values, has had on homelessness and poverty in Maine. Members of the committee include general assistance program administrators, advocates of low-income clients, a representative from the Maine Municipal Association and a representative from the Maine Equal Justice Partners. The committee must submit a report of its findings and recommendations to the Joint Standing Committee on Health and Human Services by January 14, 2008.

LD 902 **An Act To Amend the Maine Health Data Organization Laws** PUBLIC 136

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRANNIGAN	OTP-AM	S-59

This bill makes a number of modifications to the laws governing the operation of the Maine Health Data Organization, including adding Medicare prescription drug sponsors, pharmacy benefits managers and nonlicensed carriers to the definition of "payor"; modifying the appointment process for employer representatives on the Board of Directors of the Maine Health Data Organization; expanding the contract authority of the board; and changing the major substantive rule designation for the organization's enforcement and quality data rules to routine technical rulemaking.

Committee Amendment "A" (S-59)

The amendment clarifies that the United States Department of Health and Human Services certifies federally qualified health centers and corrects the name of the Division of Licensing and Regulatory Services within the Department of Health and Human Services. It clarifies that one member of the board must be chosen from a list provided by a statewide chamber of commerce. It removes 2 sections of the bill that would have changed rulemaking related to enforcement and quality data from major substantive to routine technical rules.

Enacted Law Summary

Public Law 2007, chapter 136 makes a number of modifications to the laws governing the operation of the Maine