

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
123<sup>RD</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON HEALTH AND HUMAN SERVICES**

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**STAFF:**

JANE ORBETON, SENIOR ANALYST  
ELIZABETH F. COOPER, LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670

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# STATE OF MAINE

123<sup>RD</sup> 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 123<sup>rd</sup> 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

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

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

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; and expanding the contract authority of the board. It 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.

**LD 931      Resolve, To Examine Eligibility for MaineCare Long-term Care Services** **ONTP**

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

This resolve directs the long-term care ombudsman program to examine the eligibility requirements for MaineCare long-term care services and to report back to the Joint Standing Committee on Health and Human Services by December 1, 2007. The Joint Standing Committee on Health and Human Services may submit legislation to the Second Regular Session of the 123rd Legislature.

**LD 943      Resolve, To Create a Look-back Rule for Residential Care Facilities** **ONTP**

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

This resolve directs the Department of Health and Human Services to amend the MaineCare eligibility manual to provide that the 36-month look-back period for the transfer of assets that applies to residents of nursing homes apply to residents of residential care private nonmedical institutions.

**LD 957      An Act To Enact a Five-point Welfare Reform Plan** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANSLEY SNOWE-MELLO	ONTP	

This bill enacts a five-point welfare reform package that imposes a 90-day residency requirement for general assistance, provides a tax credit for employers hiring recipients of welfare benefits, changes the 20-hour work participation requirement in the ASPIRE-TANF program, adjusts benefits to reflect earned income and imposes a 60-month lifetime limitation on ASPIRE-TANF benefits for adults. This bill specifies that the tax credit applies to tax years beginning on or after January 1, 2008.

**LD 970      An Act to Repeal Delayed Estate Recovery** **PUBLIC 423**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WEBSTER	OTP-AM	H-325