

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)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

SECOND REGULAR SESSION
January 2, 2008 to March 31, 2008

FIRST SPECIAL SESSION
April 1, 2008 to April 18, 2008

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 2008

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 18, 2008

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2008

CHAPTER 195
S.P. 910 - L.D. 2286

**Resolve, Implementing the
Recommendations of the
Commission To Study Primary
Care Medical Practice**

Sec. 1. Patient-centered medical home.

Resolved: That the Governor's Office of Health Policy and Finance and the Department of Health and Human Services shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2009 on activities for implementing a multipayor patient-centered medical home pilot project. The report shall include specific recommendations for the application of the medical home concept to the MaineCare program and any legislation necessary for implementation. The pilot project must include specific standards for quality, access and integration as well as standards for appropriate reimbursement for medical home physicians; and be it further

Sec. 2. Physician fee schedule. Resolved:

That the Department of Health and Human Services shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2009 on activities for implementing a single physician fee schedule for the MaineCare program. The report shall include specific recommendations for adequate reimbursement for physicians who serve as a patient's medical home under the patient-centered medical home model; and be it further

Sec. 3. Streamline MaineCare procedures for cost-effective prescribers. Resolved: That the Governor's Office of Health Policy and Finance and the Department of Health and Human Services, Office of MaineCare Services shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2009 on activities for implementing processes similar to those that are in place for specialists that will exempt primary care physicians and other practitioners who demonstrate a history of cost-effective prescribing that meets the needs of patients from certain preauthorization requirements; and be it further

Sec. 4. Provide flexibility in dispensing prescribed medications. Resolved: That the Governor's Office of Health Policy and Finance, the Maine Board of Pharmacy and the Department of Health and Human Services, Office of MaineCare Services shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2009 on the feasibility of adopting flexible pharmacy dispensing standards. The report must assess the prospect of allowing a pharmacist to dispense prescribed medication

in a dosage that varies from the prescription but is equivalent to the overall dosage prescribed. The report must include an analysis of the impact on patient medication compliance and costs to the health care system and MaineCare as well as other unintended consequences.

See title page for effective date.

CHAPTER 196
S.P. 784 - L.D. 1990

**Resolve, To Prevent Domestic
Violence and Protect Our
Citizens**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the effects of deadly domestic violence and its impact on the State's public health system and social services system are far-reaching; and

Whereas, it is imperative that the State explore adoption of a comprehensive strategy and network to address the many challenges surrounding domestic violence and protecting the State's citizens and communities; and

Whereas, as a part of this comprehensive policy, it is imperative that the State reach out to all persons affected by domestic violence, whether a victim, a family member or friend, community members, community organizations, victim services groups or law enforcement in order to gather the necessary information to ascertain what programs are working and what additional programs are needed to reach our underserved populations; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Review of supports and protections. Resolved: That the Department of Public Safety shall undertake a comprehensive review of the measures currently in place to support and protect victims and potential victims of domestic violence. In undertaking this review, the department shall consider:

1. The ability of domestic violence advocacy offices in this State to provide sufficient support, referrals, resources and protection for domestic violence victims given current levels of funding;

2. The establishment of a program to gather input and comments from victims and their families, com-

munity members, law enforcement and organizations that provide services to domestic violence victims in order to determine which programs are working effectively, how to better reach underserved populations and concerned community members and what programs are missing or insufficiently funded;

3. The feasibility of providing increased funding from outside sources for safe houses and crisis assistance for victims and their families;

4. The feasibility of providing increased funding from outside sources for free and more accessible counseling and support services for victims; and

5. The feasibility of providing increased interventions to the victims, their families and communities concerning domestic violence and how to find and access services; and be it further

Sec. 2. Review domestic violence laws. Resolved: That the Department of Public Safety shall endeavor to review the effectiveness of the provisions of the Maine Criminal Code related to domestic violence; and be it further

Sec. 3. Funding. Resolved: That the Department of Public Safety shall endeavor to secure outside funding and resources, including but not limited to the use of grants and interns, to undertake the review under sections 1 and 2 and shall limit its work to that which can be accomplished from sources other than appropriations from the General Fund or Highway Fund; and be it further

Sec. 4. Report. Resolved: That the Department of Public Safety shall submit a report of its findings, including any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters no later than December 10, 2008. After receipt and review of the report, the joint standing committee may submit legislation based on the report to the First Regular Session of the 124th Legislature.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved, except as otherwise indicated.

Effective April 11, 2008.

CHAPTER 197

H.P. 421 - L.D. 543

Resolve, To Direct a Review of Issues Concerning the Maine Tree Growth Tax Law

Sec. 1. Review of Maine Tree Growth Tax Law issues. Resolved: That the Director of the Maine Forest Service within the Department of Conservation shall convene a task force of interested par-

ties to review the issues in this section related to the Maine Tree Growth Tax Law:

1. The advisability of revising the timing of determining the forest growth rate portion and whether the current method of determining stumpage values should be broadened to provide for larger regions;

2. Whether data supports the perception that some land is being classified under the Maine Tree Growth Tax Law that does not meet statutory requirements or the purpose of the law as described in the Maine Revised Statutes, Title 36, section 572. In order to complete this task, the task force shall analyze data collected by the Department of Conservation, Maine Forest Service; the Department of Administrative and Financial Services, Maine Revenue Services; municipalities; and any other reliable source; and

3. The best methods for ensuring that municipalities and landowners are aware of the requirements of the Maine Tree Growth Tax Law and the availability of assistance from the Department of Conservation, Maine Forest Service in determining eligibility and meeting the ongoing requirements of the law; and be it further

Sec. 2. Members of task force. Resolved: That the Director of the Maine Forest Service within the Department of Conservation shall invite to participate in the task force no more than 7 members who are representatives of interested landowner groups, municipal government and conservation groups. The State Tax Assessor shall appoint a person from the Department of Administrative and Financial Services, Maine Revenue Services to participate in the task force; and be it further

Sec. 3. Report. Resolved: That the Director of the Maine Forest Service within the Department of Conservation shall submit a report to the joint standing committee of the Legislature having jurisdiction over taxation matters by January 15, 2009 describing the work of the task force and any recommendations of the task force for statutory changes with regard to the issues reviewed. Following receipt and review of the report, the joint standing committee of the Legislature having jurisdiction over taxation matters may submit legislation to the First Regular Session of the 124th Legislature based on the report.

See title page for effective date.

CHAPTER 198

H.P. 1251 - L.D. 1797

Resolve, To Advance Maine's HealthInfoNet Program

Sec. 1. Stakeholder process. Resolved: That the Maine Quality Forum and HealthInfoNet