

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
117TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
HUMAN RESOURCES

AUGUST 1995

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**ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
FIRST REGULAR SESSION**

**SUMMARY OF LEGISLATION BEFORE  
THE JOINT STANDING COMMITTEES**

**AUGUST 1995**

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries. The publication, History and Final Disposition of Legislative Documents, is helpful in determining to which committee any particular bill was referred.

In this document, the committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number, together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various categories of final action are abbreviated as follows:

<i>CARRIED OVER</i>	<i>Bill carried over to Second 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 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</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT</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>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not to Pass report accepted</i>
<i>P&amp;S XXX</i>	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of enacted Resolve</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

These summaries were prepared by the analyst or analysts assigned to the committee. If more detailed information is needed on a bill, contact the committee analyst.

5581LHS

**SUMMARY**

This bill directs the Department of Human Services to establish a transitional pharmacy benefit program to provide life-sustaining drugs to persons enrolled in the Maine Health Program on March 31, 1995. The program starts on April 1, 1995, and ends on June 30, 1995 and is subject to appropriated resources. If resources permit, the department is directed to provide as comprehensive a pharmacy benefit program as possible, within the limits of the appropriation. Any balance in the fund on June 30, 1995 is carried over until December 31, 1995 to pay expenses of the program. Any balance remaining on December 31, 1995 lapses to the General Fund.

This bill was enacted in the Senate and failed of emergency enactment in the House. The bill died between bodies.

**LD 784**

**An Act to Legalize Marijuana for Medicinal Purposes**

ONTP

**SPONSOR(S)**  
STEVENS K

**COMMITTEE REPORT**  
ONTP

**AMENDMENTS ADOPTED**

**SUMMARY**

This bill reestablishes the Marijuana Therapeutic Research Program, administered by the Commissioner of Human Services, which was repealed December 31, 1987. The bill also establishes the Participation Review Board. The Board of Registration in Medicine must review any patient wishing to participate in the program. Participation is limited to chemotherapy or radiation therapy and glaucoma patients who are not responding to conventional treatment or who are suffering severe side effects, and any other patient when medical evidence presented to the board justifies that participation. If the Board of Registration in Medicine approves a patient, the patient's physician may write a prescription that can be filled at a state or privately operated licensed pharmacy designated by the commissioner. The commissioner may obtain analyzed marijuana available from the Federal Government and deliver it to the pharmacy for dispensing to any approved patient with a written prescription from the patient's physician. The commissioner and the Participation Review Board are required to make an annual report to the Governor and the Legislature, enabling both the legislative branch and executive branch to monitor the program closely. This bill also defines side effects of chemotherapy or radiation therapy as "significant nausea or vomiting." The bill also repeals the provisions related to glaucoma patients on October 1, 1998.

See also LD 204 and LD 929.

**LD 799**

**An Act to Amend the Laws Governing HIV Testing at the Request of Victims of Sexual Assault**

PUBLIC 319

**SPONSOR(S)**  
MCALEVEY

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
H-299

**SUMMARY**

This bill amends the laws to require a court to order a person convicted of a crime involving a sexual act, gross sexual assault or sexual abuse of a minor to be tested for HIV if the victim makes a request at the time of sentencing.

COMMITTEE AMENDMENT "A" (H-299) brings the bill into compliance with the requirements of 42 United States Code, Section 3756 (f). It removes a requirement that is inconsistent with federal law stating that the victim of the sexual assault must allegedly have been exposed to the blood or body fluids of the convicted offender. Conviction of a sexual assault under the Maine Revised Statutes, Title 17-A, section 251, subsection 1, paragraph C, subparagraph (1) is sufficient. The amendment requires that the victim