

MAINE STATE LEGISLATURE

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**STATE OF MAINE
117TH LEGISLATURE**

SECOND REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
HUMAN RESOURCES¹**

JUNE 1996

MEMBERS:

Sen. Joan M. Pendexter, Chair

Sen. John W. Benoit

Sen. Rochelle M. Pingree

Rep. Michael J. Fitzpatrick, Chair

Rep. Birger T. Johnson

Rep. David Etnier

Rep. J. Elizabeth Mitchell

Rep. Kyle W. Jones

Rep. Glenys P. Lovett

Rep. Jeffery G. Joyner

Rep. Jean Ginn Marvin

Rep. Robert J. Winglass

Rep. Henry L. Joy

Staff:

Jane Orbeton, Legislative Analyst

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¹ Amendments to Joint Rule 13 adopted this session changed the committee name to the Joint Standing Committee on Health and Human Services.



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**ONE HUNDRED SEVENTEENTH LEGISLATURE
SECOND REGULAR SESSION**

***Summary Of Legislation Before The Joint Standing Committees
June 1996***

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. 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 handled by the joint standing committees. It is organized alphabetically 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. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located 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.

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:

| | |
|---|---|
| <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 & 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&S XXX</i> | <i>Chapter # of enacted Private & Special Law</i> |
| <i>PUBLIC XXX</i> | <i>Chapter # of enacted Public Law</i> |
| <i>RESOLVE XXX</i> | <i>Chapter # of finally passed 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> |

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is July 4, 1996.

LD 1601 proposed to exempt intravenous ("IV") drugs dispensed at physicians' offices from the laws prohibiting price discrimination among wholesalers and purchasers by a prescription drug manufacturer.

Committee Amendment "A" (H-725) is the Majority Report. It replaced the bill. It would have created an exception to the nondiscrimination in pharmaceutical pricing laws for parenterally administered oncologic drug products administered at medical office sites. It would have added a fiscal note to the bill.

Enacted law summary

Public Law 1995, chapter 548 comprises the provisions from the Committee Amendment. It creates an exception to the nondiscrimination in pharmaceutical pricing laws for parenterally administered oncologic drug products administered at medical office sites.

LD 1604 **An Act Requiring the Department of Human Services to Reimburse Nursing Home Facilities from Initial Medicaid Eligibility** ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| BIRNEY HANLEY | ONTP | |

LD 1604 proposed to require the Department of Human Services to reimburse a nursing facility for services it provides to an individual during all periods of time that the individual has been determined to be both medically and financially eligible for Medicaid coverage. See also LDs 1730 and 1806.

LD 1644 **An Act to Amend the Hospital Cooperation Act of 1992 to Facilitate Integrated Health Care Delivery Systems by Authorizing and Supervising Certain Hospital Mergers** PUBLIC 583
EMERGENCY

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| AMERO | OTP-AM | S-533 |

LD 1644 proposed to provide for state supervision of certain hospital mergers by allowing hospitals proposing to merge to file an application for a certificate of public advantage under the Hospital Cooperation Act of 1992. The bill would have authorized the Department of Human Services, in conjunction with the Department of Attorney General, to attach conditions pertaining to quality, access and cost to a certificate granted in the case of a merger. The bill would have established procedures to ensure compliance by providing for enforcement of conditions attached to a certificate pertaining to a merger.

Committee Amendment "A" (S-533) is the Majority Report. It proposed to replace the bill. It would have authorized and provided for state review and supervision of certain hospital mergers by allowing hospitals proposing to merge to file an application for a certificate of public advantage under the Hospital Cooperation Act of 1992. It would have authorized the Department of Human Services, in conjunction with the Department of the Attorney General under certain circumstances to attach conditions pertaining to quality, access and cost to any

certificate granted under the Hospital Cooperation Act of 1992 to ensure compliance with the conditions attached to a certificate. It would have added to the list of potential benefits and disadvantages that the department must consider in determining whether to grant or deny a certificate of public advantage.

The amendment would have added an allocation section and a fiscal note to the bill.

Enacted law summary

Public Law 1995, chapter 583 comprises the provisions of Committee Amendment A. It replaces the bill. It authorizes and provides for state review and supervision of certain hospital mergers by allowing hospitals proposing to merge to file an application for a certificate of public advantage under the Hospital Cooperation Act of 1992. It authorizes the Department of Human Services, in conjunction with the Department of the Attorney General under certain circumstances to attach conditions pertaining to quality, access and cost to any certificate granted under the Hospital Cooperation Act of 1992 to ensure compliance with the conditions attached to a certificate. It adds to the list of potential benefits and disadvantages that the department must consider in determining whether to grant or deny a certificate of public advantage.

Through a system of state-prescribed and state-enforced review and supervision, the Hospital Cooperation Act of 1992 is intended to displace the State's antitrust laws for transactions for which a certificate has been issued and also allows hospitals that receive a certificate to qualify for the "state action" exception to federal antitrust laws.

Public Law 1995, chapter 583 takes effect April 1, 1996.

LD 1646 An Act to Establish the Freeport Towne Square Mental Retardation Facility

PUBLIC 550

Sponsor(s)
HARTNETT
HARRIMAN

Committee Report
OTP-AM

Amendments Adopted
H-709

LD 1646 would have established Freeport Towne Square, a facility for persons with mental retardation, as a separate and distinct entity. Historically, this facility was incorporated as part of the Pineland Center.

Committee Amendment "A" (H-709) is the Majority Report. It proposed to replace the term "director" in the bill with the term "manager," to delete the appointment provision and thereby to eliminate the need for a fiscal note.

Enacted law summary

Public Law 1995, chapter 550 comprises the provisions of the Committee Amendment. It establishes the Freeport Towne Square as a state facility, managed by a manager.