

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

FIRST REGULAR SESSION

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

JULY 1999

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ONE HUNDRED NINETEENTH LEGISLATURE
FIRST REGULAR SESSION

Summary Of Legislation Before The Joint Standing and Select Committees
August 1999

We are pleased to provide this summary of all bills that were considered by the Joint Standing and Select Committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing and select committees.

The document is organized for convenient reference to information on bills considered by the committees. It is organized 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. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

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:

CARRIED OVER.....Bill carried over to Second Regular Session
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
ENACTMENT FAILED..... Bill failed to get vote required for enactment or final passage
NOT PROPERLY BEFORE THE BODY..... Ruled out of order by the presiding officers; bill died
INDEF PP.....Bill Indefinitely Postponed
ONTP..... Ought Not To Pass report accepted
OTP ND..... Committee report Ought To Pass In New Draft
OTP ND/NT..... Committee report Ought To Pass In New Draft/New Title
P&S XXX..... Chapter # of enacted Private & Special Law
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 the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 18, 1999.

- O. Clarifies application of the provisions, making them applicable to requests, directives and authorizations executed on or after February 1, 2000, and provides a transition period for authorizations executed prior to that date until the date of the next health care encounter between the individual and the health care practitioner or facility;
- P. It requires that routine admission forms to health care facilities provide notice of the ability to remove one's name from the directory listing; and
- Q. It requires notice that removal from the directory listing could result in inability to direct telephone calls and visitors;
- R. It clarifies the ability of a health care practitioner or facility to disclose health care information pursuant to subpoena from a governmental entity.
- S. It requires that the confidentiality policies of health care facilities must provide to individuals being admitted for inpatient care notice of the right to control the disclosure of health care information.

- 3. It provides that Title 22, section 1711-C is repealed on March 1, 2002.
- 4. It provides that HIV testing and HIV status information will be governed by current law, not the more general law regarding the confidentiality of health care information of Title 22, section 1711-C.
- 5. It delays implementation of the laws on health care confidentiality until February 1, 2000.8

LD 1666 **An Act to Ensure That Funds from Maine’s Medicaid Settlement with Tobacco Product Manufacturers are used to Expand Access to Health Care for Maine People** **ONTP**

<u>Sponsor(s)</u> PINGREE	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1666 proposed to establish the Healthy Maine Program to provide health care coverage, Medicaid coverage and prescription drug coverage for adults 62 years of age and older, disabled persons and children. Benefits would be provided under the Healthy Maine Program, the Medicaid program and the Cub Care program. See also Public Law 1999, chapter 401, part QQ, expanding eligibility in the Cub Care program in FY 2000-01 from 150% to 185% of the federal poverty level.

LD 1668 **An Act to Create the Drive ME Wheels-to-work Program** **CARRIED OVER**

<u>Sponsor(s)</u> LAWRENCE QUINT	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1668 proposes to establish the Drive ME Wheels-to-work Program and require the Commissioner of Human Services to adopt rules to implement the program. The proposed program would provide loans for the purchase of used vehicles and for the purchase of repair and maintenance services to people who receive assistance through the federal Temporary Assistance for Needy Families program. The loans would be provided through

community action agencies at below-market rates. The bill proposes a revolving loan fund to finance the program.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 1687 An Act Relating to Medicaid Liens

PUBLIC 483

<u>Sponsor(s)</u> THOMPSON	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> H-653
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LD 1687 proposed to allow the compromise, release or settlement of Medicaid-related claims when the commissioner determines that the best possible outcome requires compromise, release or settlement.

Committee Amendment "A" (H-653) proposed to add to the bill clarifying language with regard to resolution of a dispute about the settlement of a claim for reimbursement of the Medicaid program.

Enacted law summary

Public Law 1999, chapter 483 allows the compromise, release or settlement of Medicaid-related claims when the commissioner determines that the best possible outcome requires compromise, release or settlement.

**LD 1703 An Act to Repeal the 6% Supplemental Rebate on Prescription
Drugs to Conform to the Requirements of Federal Regulations**

ONTP

<u>Sponsor(s)</u> CAMPBELL	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1703 proposed to repeal a provision of Maine law that is inconsistent with federal regulations. The provision that the bill proposed to repeal requires the Department of Human Services to achieve in the elderly low-cost drug program an aggregate rebate amount that is six percentage points higher than the rebate recommended by the federal Health Care Financing Administration.

**LD 1704 An Act to Protect Children from Secondhand Smoke in Motor
Vehicles**

ONTP

<u>Sponsor(s)</u> GERRY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1704 proposed to prohibit smoking in a motor vehicle when children are in the motor vehicle. The violation would have carried a civil penalty of \$100 per violation.