

MAINE STATE LEGISLATURE

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*State Of Maine
120th Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Health and Human Services*

August 2001

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**120th Legislature
First Regular Session**

**Summary Of Legislation Before The Joint Standing Committees
August 2001**

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 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*
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..... *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 21, 2001**.

David E. Boulter, Director
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Joint Standing Committee on Health and Human Services

LD 1137

**An Act to Clarify the Relationship between State Agencies and
Faith-based Organizations Regarding Charitable Choice Options**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACDOUGALL	ONTP MAJ	
MCALEVEY	OTP-AM MIN	

LD 1137 proposed to clarify the relationship between state agencies and faith-based organizations in the provision of contracted goods or services, particularly goods or services provided under the Maine Revised Statutes, Title 22. The bill also proposed to specify the limitations on such contracts and require the Commissioner of Human Services to designate a liaison to faith-based organizations in each service delivery region.

Committee Amendment "A" (H-250), the minority report of the Joint Standing Committee on Health and Human Services, proposed to amend the bill by adding a fiscal note.

LD 1151

**Resolve, to Provide Adequate Reimbursement for Durable Medical
Equipment**

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	OTP-AM MAJ	
WOODCOCK	ONTP MIN	H-683

LD 1151 proposed to require the Department of Human Services to amend the rules under the Medicaid program regarding reimbursement for durable medical equipment to repeal the rules adopted in 2000 and to improve the reimbursement process and increase the reimbursement level. The rules would be major substantive rules as defined by the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A. The new rules would be in effect by October 1, 2001.

Committee Amendment "A" (H-683) proposed to replace the resolve. It proposed to require rulemaking regarding reimbursement for durable medical equipment in four areas. It proposed to require a report to the Joint Standing Committee on Health and Human Services by January 15, 2002. It proposed to add an appropriation, an allocation and a fiscal note to the bill.

LD 1167

An Act to Disclose Prescription Drug Marketing Activities

ONTP

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

LD 1167 proposed to require prescription drug manufacturers, wholesalers and labelers to register persons employed by them to make informational, educational and sales presentations in this State. It proposed to require the reporting of information about those activities. It proposed to require reports of the average wholesale price of

Joint Standing Committee on Health and Human Services

certain drugs, the lowest prices for which those drugs were sold and any rebates or discounts applicable to those drugs. It proposed to require certain disclosures for persons making informational, educational and sales presentations. The bill proposed to charge the Bureau of Medical Services within the Department of Human Services with implementing the law and with providing for public access to nonconfidential information and with preparing an annual report. The bill proposed to make a violation of the registration or the disclosure requirements a civil violation enforceable by the Attorney General. The bill proposed to authorize the Department of Human Services to adopt rules as necessary to implement the law.

See also LD 1022.

LD 1172 **An Act to Exempt from the Smoking Ban Tobacconists Who Sell or Serve Food or Alcohol** **ONTP**

<u>Sponsor(s)</u> GLYNN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1172 proposed to allow smoking in a shop as long as at least 3/5 of the shop's revenue was derived from sales of tobacco and tobacco-related products even if alcohol or food was sold or served on the premises. This bill also proposed to increase the square footage limitation to 2,500 square feet.

LD 1178 **Resolve, Directing the Department of Human Services to Adopt Rules Regarding the Indian Health Clinic** **ONTP**

<u>Sponsor(s)</u> SOCTOMAH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1178 proposed to require the Department of Human Services to adopt rules to provide Indian health clinics with the highest possible levels of reimbursement.

LD 1180 **An Act to Improve Handicap Accessibility in Lodging in Maine** **ONTP**

<u>Sponsor(s)</u> BELANGER KNEELAND		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1180 proposed to require that, when the Department of Human Services performs an inspection, it also inspects the lodging place to determine whether it was in compliance with the standards for public access established under the Maine Human Rights Act. If the lodging place were to be found not in compliance, the department would have been required to provide the owner or manager with a written recommendation for bringing the lodging place into compliance. The department would not have take any other action regarding the noncompliance.