MAINE STATE LEGISLATURE

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State Of Maine
121st Legislature

First Regular Session

Bill Summaries

Joint Standing Committee
on
Health and Human Services

July 2003

Members:
Sen. Michael F. Brennan, Chair
Sen. John L. Martin
Sen. Carol Weston

Rep. Thomas J. Kane, Chair
Rep. Edward R. Dugay
Rep. Marie Laverriere-Boucher
Rep Margaret M. Craven
Rep. William M. Earle
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Maine State Legislature

Office Of Policy And Legal Analysis
Office Of Fiscal And Program Review

121st Maine Legislature
First Regular Session

Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint 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 arranged alphabetically by committee name 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 PURSUANT TO HP 1212 ..... *Bills carried over to the 2nd 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*
P&S XXX ..... *Chapter # of enacted Private & Special Law*
PASSED ..... *Joint Order passed in both bodies*
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 that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

David C. Elliott, Director
Offices located in Room 215 of the Cross Office Building

Enacted Law Summary

Public Law 2003, chapter 398 clarifies certain changes to the life safety requirements for residential care facilities. It exempts residential care facilities with 4 or fewer beds from the requirements of certification by a design specialist.

Public Law 2003, chapter 398 was enacted as an emergency measure effective June 3, 2003.

LD 1288 **Resolve, To Increase Public Access to the Prior Authorization Process** **RESOLVE 64**

Sponsor(s)	Committee Report	Amendments Adopted
TURNER DUGAY	OTP-AM	S-197

LD 1288 proposed to establish the Drug Utilization Review Committee to make determinations regarding which prescription and over-the-counter drugs are subject to prior authorization under the MaineCare program. The bill proposed to require public notice of committee meetings to be given, and provide that committee meetings are public proceedings and committee documents are public records for purposes of the laws governing freedom of access. It proposed to provide that members of the public must be granted a reasonable opportunity to address the committee and require the committee to issue written findings that describe the basis for its decisions. It also proposed to provide that a 2/3 vote of the committee would be required to add or delete a drug from the list of drugs that require prior authorization and that the decisions of the committee are final agency action for purposes of the Maine Administrative Procedure Act.

Committee Amendment "A" (S-197) proposed to replace the bill with a resolve. It proposed to remove the provisions establishing the drug utilization review committee in statutes. It proposed to direct the Department of Human Services to review MaineCare procedures applicable to the drug utilization review committee, to open those procedures to the public to the extent possible and to report to the Joint Standing Committee on Health and Human Services by October 1, 2003.

Enacted Law Summary

Resolve 2003, chapter 64 directs the Department of Human Services to review MaineCare procedures applicable to the drug utilization review committee, to open those procedures to the public to the extent possible and to report to the Joint Standing Committee on Health and Human Services by October 1, 2003.

LD 1291 **An Act To Establish a System of Advocacy and Oversight To Benefit Persons with Mental Retardation and Autism** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN		

LD 1291 proposes to repeal and reestablish the Consumer Advisory Board that was established by the community consent decree. It proposes to extend the responsibilities of the board to serve individuals who are clients of the

department but not members of the class covered by the consent decree. It also proposes to require the Department of Behavioral and Developmental Services, Office of Advocacy and the board to work cooperatively with each other.

LD 1293 **An Act To Improve the Fairness of the Health Care Provider Tax and To Ensure Fair Implementation of Health Care Reimbursement Reforms** **PUBLIC 467**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN	OTP-AM	S-220

LD 1293 proposed to ensure enhanced reimbursement that is essential to the long-term care industry.

This bill also proposed to allow nursing facilities to use their own fiscal years for purposes of the health care provider tax. It proposed to prescribe reimbursement reforms for nursing homes and residential care facilities. It proposed to make a technical correction in the definition of "annual net operating revenue." It proposed to introduce reasonable flexibility into the tax estimation and reconciliation processes for the provider tax. It proposed to create a special revenue account for the proceeds of the new provider tax. The bill would apply retroactively to July 1, 2002.

Committee Amendment "A" (S-220) proposed to remove from the bill the provisions that would have dedicated most of the health care provider tax revenues to long-term care purposes. It proposed to correct language regarding auditing and accounting procedures. The amendment proposed to authorize the Joint Standing Committee on Health and Human Services to report out a bill on long-term care financing to the Second Regular Session of the 121st Legislature.

Enacted Law Summary

Public Law 2003, chapter 467 makes technical corrections to the laws imposing the health care provider tax. It authorizes the Health and Human Services Committee to consider long-term care financing, including dedication of the health care provider tax and statutory requirements for enhanced reimbursement levels and to report out a bill to the Second Regular Session of the 121st Legislature.

LD 1301 **Resolve, To Establish the Maine Public Health Commission** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
COWGER	ONTP	
BRENNAN		

LD 1301 proposed to establish the Maine Public Health Commission to develop a proposal for the Second Regular Session of the 121st Legislature for a regional public health system to improve and protect the public health. Proposals by the commission would be integrated with the current or any proposed health care system in the State.