

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
Health and Human Services*

May 2004

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Members:

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

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Rep. Sarah O. Lewin*

Maine State Legislature



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

*121st Maine Legislature
Second Regular Session and
Second Special 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/billsumm.htm).

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:

- 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 Second Regular Session (unless otherwise specified in a particular law) is April 30, 2004; and non-emergency legislation enacted in the Second Special Session is July 30, 2004. Four bills (LD's 1572, 1629, 1636 and 1637) that were considered at the First Special Session in August 2003 are also included in these summaries.

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

Joint Standing Committee on Health and Human Services

LD 1772

An Act To Revise the Frequency of Home Health Licensing Surveys

PUBLIC 548

Sponsor(s)
COLWELL
EDMONDS

Committee Report
OTP

Amendments Adopted

LD 1772 proposed to allow home health care providers to be licensed on a biennial basis. It proposed to direct the Department of Human Services to adopt rules regarding terms of licenses. The bill also proposed to repeal an obsolete provision of law providing for the staggering of terms of licenses during the 2-year period commencing July 1, 1984.

Enacted Law Summary

Public Law 2003, chapter 548 allows home health care providers to be licensed on a biennial basis. It directs the Department of Human Services to adopt rules regarding terms of licenses. The law also repeals an obsolete provision of law providing for the staggering of terms of licenses during the 2-year period commencing July 1, 1984.

LD 1811

Resolve, To Ensure Access to Life-sustaining Pharmaceuticals

ONTP

Sponsor(s)
DUDLEY
BRENNAN

Committee Report
ONTP

Amendments Adopted

LD 1811 proposed to direct the Department of Human Services to adopt rules for the MaineCare program to provide access to certain prescribed drugs, without requiring completion of a prior authorization process, for persons with acquired immune deficiency syndrome and for persons with certain severe and persistent mental illnesses.

LD 1823

Resolve, Extending the Reporting Deadline for the Commission To Study Public Health

INDEF PP

Sponsor(s)

Committee Report

Amendments Adopted

LD 1823 proposed to extend the reporting deadline for the Commission to Study Public Health until November 3, 2004 and to apply this extension retroactively from the original reporting deadline of December 3, 2003. This resolve also proposed to direct the commission to submit its report to the First Regular Session of the 122nd Legislature and to clarify that the commission's report would include recommendations for legislative action. The resolve proposed to allow unexpended funds appropriated for use in fiscal year 2003-04 to be used in fiscal year 2004-05.

Joint Standing Committee on Health and Human Services

Although LD 1823 was not enacted, the Commission to Study Public Health was extended to November 3, 2004 by vote of the Legislative Council.

LD 1826

An Act To Encourage the Proper Disposal of Unused Pharmaceuticals

PUBLIC 679

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| BROMLEY | OTP-AM MAJ | S-474 |
| LEMOINE | ONTP MIN | S-506 BRENNAN |

LD 1826 proposed to create the Unused Pharmaceutical Disposal Program, administered by the Maine Drug Enforcement Agency, to provide for the safe, effective and proper disposal of unused or expired prescription drugs. The program would involve the use of prepaid mailers to be made available and used by the public to mail unused or expired prescription drugs to a single collection location. The drugs received would be handled only by agency officers and must be disposed of in a manner that ensures the safety of the public and the environment. The director of the Maine Drug Enforcement Agency would be authorized to accept funding from public and private sources to carry out the purposes of the program.

Committee Amendment "A" (S-474) was the majority report of the committee. It proposed to replace the bill and change the title. The amendment proposed to delete authorization for the Unused Pharmaceutical Disposal Program to accept public funding. The amendment also proposed to require the joint standing committee of the Legislature having jurisdiction over health and human services matters to approve the Unused Pharmaceutical Disposal Program prior to its implementation and add a program start date of July 1, 2005. The amendment proposed to allow the Maine Drug Enforcement Agency to randomly assess materials received under the program. The amendment proposed to deem return of pharmaceuticals under the program to be for law enforcement purposes. The amendment proposed to establish the Maine Drug Return Implementation Group to study and make recommendations on implementation of the program and provide for membership of the implementation group. The amendment proposed to authorize the joint standing committee of the Legislature having jurisdiction over health and human services matters to report out legislation to the First Regular Session of the 122nd Legislature.

The amendment also proposed to remove the emergency language from the bill.

Senate Amendment "A" to Committee Amendment "A" (S-506) proposed to amend the majority report of the committee. It proposed to rewrite the provisions establishing the Maine Drug Return Implementation Group to conform to the study guidelines of the Legislature. It proposed to add provisions requiring outside funding. It proposed to remove the requirement of committee approval prior to implementation and to remove the contingent effective date, making the bill take effect on July 1, 2005.

Enacted Law Summary

Public Law 2003, chapter 679 creates the Unused Pharmaceutical Disposal Program, administered by the Maine Drug Enforcement Agency, to provide for the safe, effective and proper disposal of unused or expired prescription drugs. The program involves the use of prepaid mailers to be made available and used by the public to mail unused or expired prescription drugs to a single collection location. The drugs received may be handled only by agency officers and must be disposed of in a manner that ensures the safety of the public and the environment. The director