

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on
Health and Human Services*

August 2005

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Maine State Legislature

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122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

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. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included 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 June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

Joint Standing Committee on Health and Human Services

LD 630

An Act Regarding Possession of Prescription Drugs

PUBLIC 252

<u>Sponsor(s)</u> BISHOP MAYO	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-358
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LD 630 proposed to allow a prescription drug prescribed for a person to be kept outside of the container in which it was dispensed. The bill allows close family members and other persons authorized by a person lawfully in possession of a drug, controlled substance or hypodermic apparatus to assist in filling a prescription, preparing the drug or substance for administration or administering the drug or substance.

Enacted law summary

Public Law 2005, chapter 252 allows a prescription drug prescribed for a person to be kept outside of the container in which it was dispensed and defines the words "when in use" in the drug laws. It provides an affirmative defense to certain drug prosecutions for a person who holds a valid prescription and who intends to use the drug for legitimate medical use in conformity with the instructions.

LD 655

An Act Allowing for a Contracted Case Manager in Certain Child Welfare Cases

ONTP

<u>Sponsor(s)</u> CRAVEN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 655 proposed to allow the Department of Health and Human Services to contract with a private agency to perform duties within the Child and Family Services and Child Protection Act that involve full case and court responsibility when a child is in state custody and working toward a specified case goal.

LD 678

An Act To Require Fair and Timely MaineCare Payments to Hospitals

CARRIED OVER

<u>Sponsor(s)</u> MILLS P CROSTHWAITE	<u>Committee Report</u> OTP-AM MAJ OTP-AM MIN	<u>Amendments Adopted</u> S-181
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LD 678 proposed to require the Department of Health and Human Services to use current hospital cost reports to calculate amounts owed to hospitals and pay any amounts due within one year of receiving the hospital cost report.

Joint Standing Committee on Health and Human Services

This bill was carried over on the Special Appropriations by S.P. 640 to the next special or regular session of the 122nd Legislature.

LD 687 **An Act To Amend the Hospital Tax** **CARRIED OVER**

<u>Sponsor(s)</u> DOW MCKANE	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u> S-164
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LD 687 proposed to return the tax rate ON HOSPITALS to the original rate of .74% of net operating revenues.

This bill was carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature.

LD 688 **An Act To Ensure Access to Swing Beds in Hospitals** **ONTP**

<u>Sponsor(s)</u> DOW	<u>Committee Report</u> ONTP MAJ OTP MIN	<u>Amendments Adopted</u>
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LD 688 proposed to allow a hospital to convert up to 10 acute care beds to hospital swing beds without being required to submit a certificate of need.

LD 694 **An Act To Restore Fair MaineCare Payments to Critical Access Hospitals** **PUBLIC 342
EMERGENCY**

<u>Sponsor(s)</u> DAVIS P AUSTIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-262
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LD 694 proposed to require the Department of Health and Human Services to use a current critical access hospital cost report as the basis for determining MaineCare reimbursement rates and restore the full staff enhancement payment for critical access hospitals.

This bill was carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature.

Enacted law summary

Public Law 2005, chapter 342 requires the Department of Health and Human Services to allocate from hospital tax revenues under the Maine Revised Statutes, Title 36, chapter 375, \$1,000,000 in state and federal funds that