

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 1072 **An Act To Require Health Care Providers To Contain Costs** **ONTP**

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

LD 1072 proposed to repeal the voluntary requirement under the Dirigo Health laws asking hospitals to contain costs. The bill proposed to enact a mandatory requirement that hospitals contain costs.

LD 1136 **An Act To Implement the Recommendations of the Legislative Youth Advisory Council** **PUBLIC 309**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

LD 1136, submitted by the Legislative Youth Advisory Council, proposed to direct the Department of Health and Human Services to develop a standard form to be used to indicate approval by the department for children in the custody of the department to participate in school sports, field trips and other extracurricular activities.

Enacted law summary

Public Law 2005, chapter 309 was submitted by the Legislative Youth Advisory Council. It directs the Department of Health and Human Services to develop a standard form to be used to indicate approval by the department for children in the custody of the department to participate in school sports, field trips and other extracurricular activities.

LD 1156 **An Act To Protect Public Health by Clarifying the Laws Regarding Smoking in Public Places** **PUBLIC 257**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WALCOTT MAYO	OTP-AM	H-421

LD 1156 proposed to clarify certain definitions in the law governing smoking in public places, tighten the restrictions regarding exposure of children to secondhand smoke in day care facilities, remove the exemption for privately chartered buses, expand the application of the provision prohibiting retaliation, increase the range of fines that may be imposed for violation of the law and add an enforcement provision to the law that is consistent with enforcement provisions in other tobacco-related statutes.

Enacted law summary

Public Law 2005, chapter 257 clarifies certain definitions in the law governing smoking in public places, tightens the restrictions regarding exposure of children to secondhand smoke in day care facilities, removes the exemption

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for privately chartered buses, expands the application of the provision prohibiting retaliation, increases the range of fines that may be imposed for violation of the law and adds an enforcement provision to the law that is consistent with enforcement provisions in other tobacco-related statutes. It sets a new maximum fine for violations of the smoking laws from at \$1,500 and applied only in instances where there is a pattern of violations.

LD 1178 **An Act Regarding Access to Prescription Drugs and Reimportation**

P & S 26

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN BURNS	OTP-AM	S-293 S-383 GAGNON

LD 1178 proposed to establish the Maine Save program to assist consumers by providing access to drugs through Internet connections to pharmacies and wholesale providers of prescription drugs for residents who lack comprehensive prescription drug coverage. The program would provide access to brand-name drugs in original sealed packaging. The program would provide access to drugs that are controlled substances, drugs that are sensitive to environmental factors such as heat or cold or that are antibiotics for acute illnesses. The program would require the patient to show evidence of use of a pharmacist licensed in the State to coordinate all prescriptions and prevent harmful drug interactions. The program would include an advisory group to review the program, consider issues related to access, quality and safety and advise the Commissioner of Health and Human Services regarding program design and operation. The program would include a requirement for random testing of drugs. The bill proposed to include authority to adopt rules, which are designated as routine technical rules.

Enacted law summary

Private and Special Law 2005, chapter 26 reconvenes, adds members to and changes the duties of the Governor's Committee To Study the Feasibility of Importation of Prescription Drugs, and requires a report to the Joint Standing Committee on Health and Human Services. The law authorizes the State to move forward if the United States Congress passes a law allowing drug reimportation or if a federal waiver is granted.

LD 1183 **An Act Regarding Access to Mental Health Services**

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN DUDLEY	OTP-AM	S-279

LD 1183 proposed to allow more than 16 visits per year for psychological services benefits for individual and group counseling for which a member is eligible under MaineCare Basic if the member obtains prior approval for the extra visits from the department.

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.