

# 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 1390

**Resolve, Regarding Legislative Review of Chapter 120: Release of Data to the Public, a Major Substantive Rule of the Maine Health Data Organization**

**RESOLVE 95  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-592
	OTP-AM MIN	

LD 1390 proposed to provide for legislative review of Chapter 120: Release of Data to the Public, a major substantive rule of the Maine Health Data Organization.

***Enacted law summary***

Resolve 2005, chapter 95 provides for legislative review of Chapter 120: Release of Data to the Public, a major substantive rule of the Maine Health Data Organization. It requires that the rules be amended to provide a health care quality exception to the review criteria for requests for clinical data.

Resolve 2005, chapter 95 was finally passed as an emergency measure effective June 7, 2005.

**LD 1401**

**An Act To Further Coordinate the Laws Regarding Certificate of Need, the State Health Plan and the Capital Investment Fund**

**PUBLIC 369**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN MILLETT	OTP	S-333

LD 1401 proposed to provide coordination among the State Health Plan and the capital investment fund, adopted by the Governor under the Maine Revised Statutes, Title 2, chapter 5, and the certificate of need process under Title 22, chapter 103-A as follows.

1. It proposed to clarify that the capital investment fund serves as a limit for allocating resources under the certificate of need program.
2. It proposed to specify that demographic, health care service and health care cost data must be used by the Governor in drafting the State Health Plan. It proposed to require that the State Health Plan be consistent with the requirements of the certificate of need program. It proposed to require review of the process for the development of the State Health Plan and the plan itself by the joint standing committee of the Legislature having jurisdiction over health and human services matters prior to its being finalized and issued by the Governor.
3. It proposed to specify that demographic, health care service and health care cost data must be used by the Commissioner of Health and Human Services in making determinations regarding issuance of certificates of need. It proposed to require certificate of need decisions to further the goals of the State Health Plan. It proposed to add to the certificate of need standards protection of the public health and safety. It proposed to

## *Joint Standing Committee on Health and Human Services*

require the Commissioner of Health and Human Services in making decisions regarding certificate of need to consider the State Health Plan.

### ***Enacted law summary***

Public Law 2005, chapter 369 provides coordination among the State Health Plan and the capital investment fund, adopted by the Governor under the Maine Revised Statutes, Title 2, chapter 5, and the certificate of need process under Title 22, chapter 103-A. It clarifies that the capital investment fund serves as a limit for allocating resources under the certificate of need program. It specifies that demographic, health care service and health care cost data must be used by the Governor in drafting the State Health Plan. It requires that the State Health Plan be consistent with the requirements of the certificate of need program. It requires review of the process for the development of the State Health Plan and the plan itself by the joint standing committee of the Legislature having jurisdiction over health and human services matters prior to its being finalized and issued by the Governor. It clarifies that the biennial State Health Plan must be issued by December 1, 2005 and every 2 years thereafter. It specifies that demographic, health care service and health care cost data must be used by the Commissioner of Health and Human Services in making determinations regarding issuance of certificates of need.

**LD 1404**                      **Resolve, To Increase the Quality of Care and Reduce Administrative Burdens in the Pharmacy Prior Approval Process**                      **RESOLVE 113**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN BRAUTIGAM	OTP-AM	S-332

LD 1404 proposed to establish prior authorization pharmacy benefit procedures for the MaineCare and elderly low-cost drug programs. The bill proposed to establish a drug utilization review committee within MaineCare. The bill proposed to require the Department of Health and Human Services to publish a MaineCare handbook and to contract for a MaineCare study and survey and to report the results to the Joint Standing Committee on Health and Human Services by March 1, 2006.

### ***Enacted law summary***

Resolve 2005, chapter 113 directs the Department of Health and Human Services to undertake a number of initiatives, including rulemaking regarding prior authorization, preferred drug lists and procedures for providers to follow for members of the MaineCare program.

**LD 1411**                      **An Act Regarding the Reporting of Hospital and Ambulatory Surgical Center Prices**                      **PUBLIC 391**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CANAVAN MARTIN	OTP-AM	H-660