

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on
Health and Human Services*

August 2005

Staff:

*Jane Orbeton, Senior Analyst
Lucia Nixon, Legislative Analyst
Patrick Norton, Deputy Director*

*Office of Policy and Legal Analysis
13 State House Station
Augusta, ME 04333
(207) 287-1670*

Members:

*Sen. Arthur F. Mayo III, Chair
Sen. John L. Martin
Sen. Richard W. Rosen*

*Rep. Hannah Pingree, Chair
Rep. William R. Walcott
Rep. Carol A. Grose
Rep. Richard J. Burns
Rep. Elizabeth S. Miller
Rep. David C. Webster
Rep. Thomas F. Shields
Rep. James J. Campbell, Sr.
Rep. Sarah O. Lewin
Rep. Kevin J. Glynn
Rep. Michael Sockalexis*



Maine State Legislature

OFFICE OF POLICY & LEGAL ANALYSIS

13 State House Station, Room 215 Cross State Office Building
Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

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 1538 proposed to amend the law authorizing the medical use of marijuana in the following ways.

1. It proposed to increase the amounts considered a useable amount for medical use. It also proposed to authorize a physician to indicate a greater amount if necessary to meet the medical needs of the patient or to accommodate the various means of administering marijuana.
2. It proposed to require the Department of Health and Human Services to issue identification cards to an eligible patient or that person's designated caregiver so that a person's lawful possession may be easily and expeditiously verified.
3. This bill also proposed to clearly articulate that the fact that a parent was or is a user of marijuana under the medical exemption may not be used against that parent in any matter relating to the care and custody of a child.

LD 1539 **An Act Pertaining to Reporting of Prescription Drug Advertising Costs** **PUBLIC 286**

<u>Sponsor(s)</u> BRENNAN FISCHER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-210
---	--	-----------------------------------	--	------------------------------------

LD 1539 proposed to delay implementation of the deadline for filing reports regarding marketing activities by pharmaceutical manufacturers.

The bill also proposed to clarify that the Department of Health and Human Services may disclose that information to an entity that provides services to the department under the laws requiring those reports, but proposed to specify that such disclosure does not change the confidential status of the information.

Enacted law summary

Public Law 2005, chapter 286 delays implementation of the deadline for filing reports regarding marketing activities by pharmaceutical manufacturers. The law also clarifies that the Department of Health and Human Services may disclose that information to a contractor that provides services to the department under the laws requiring those reports, but specifies that such disclosure does not change the confidential status of the information.

LD 1541 **An Act Pertaining to Disclosure of Prescription Drug Prices** **PUBLIC 402
EMERGENCY**

<u>Sponsor(s)</u> WESTON CROSBY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-639 PINGREE S-292
---------------------------------------	--	-----------------------------------	--	---

Joint Standing Committee on Health and Human Services

LD 1541 proposed to limit the pricing information that a manufacturer must report to the Department of Health and Human Services to average manufacturer price and best price as defined by federal law. It proposed to eliminate the instructions on calculating other pharmaceutical pricing information and the requirement to describe the methodology for calculating pricing information that is reported to the department and modify the certification provisions and strengthens the confidentiality protection afforded to the reported information.

Enacted law summary

Public Law 2005, chapter 402 clarifies details of the reporting of prescription drug pricing, including the methodology of pricing and certification requirements. It maintains current law on confidentiality, extending confidentiality explicitly to information disclosed to an entity under contract to the Department of Health and Human Services and restricting use of disclosed information to the purposes for which it was disclosed. It directs the department to adopt routine technical rules to implement actual price disclosure and certification.

Public Law 2005, chapter 402 was enacted as an emergency measure effective June 17, 2005.

LD 1554 **Resolve, To Establish the Commission To Study the Delivery of Services to Maine Citizens with Brain Injuries** **ONTP**

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

LD 1554 proposed to create the Commission to Study the Delivery of Services to Maine Citizens with Brain Injuries and proposed to require the commission to submit its report to the Joint Standing Committee on Health and Human Services by December 7, 2005.

LD 1555 **An Act To Improve Quality, Effectiveness and Efficiency in the Department of Health and Human Services** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LERMAN NASS R		

LD 1555 proposed to address the following issues in the field of community-based services for persons with developmental disabilities and mental retardation: reimbursement, audit and appeal procedures, rules, regulations and administrative requirements, standardized data, contract formats and financial reports, medication courses, deemed status licensure, maintenance of the Child Development Services System, gastroonomy tubes, rules regarding residential options, advocacy regarding federal legislation, cost-of-living adjustments and Dirigo Health insurance.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.