

# MAINE STATE LEGISLATURE

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*State Of Maine  
122nd Legislature*

*Second Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Health and Human Services*

*July 2006*

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# Maine State Legislature



## Office of Policy and Legal Analysis Office of Fiscal and Program Review

### 122nd Maine Legislature Second Regular 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 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](http://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 (Pocket Veto).....	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 August 23, 2006.

## Joint Standing Committee on Health and Human Services

camping area that operated without the required license upon a second or subsequent adjudication of unlicensed operation.

### *Enacted law summary*

Public Law 2005, chapter 481 sets a maximum amount of \$500 on the penalty that may be imposed by the Department of Health and Human Services on any eating establishment, eating and lodging place, lodging place, recreational camp or camping area that operates without the required license upon a second or subsequent adjudication of unlicensed operation. Prior to the enactment of this law there was a minimum fine but no maximum fine.

**LD 1754**                      **An Act To Give the Commissioner of Health and Human Services  
Administrative Subpoena Authority**                      **ONTP**

<u>Sponsor(s)</u> HOBBINS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1754 proposed to give the Commissioner of Health and Human Services the authority to issue subpoenas in connection with administrative hearings without having to obtain the approval of the Attorney General.

**LD 1757**                      **An Act Regarding Continuing Improvements in the MaineCare  
Program**                      **PUBLIC 648  
EMERGENCY**

<u>Sponsor(s)</u> MAYO WALCOTT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-547
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LD 1757 proposed to implement the recommendations of the Blue Ribbon Commission on the Future of MaineCare.

**Committee Amendment “A” (S-547)** proposed to add emergency language to the bill and to amend the laws governing MaineCare, authorizing the Department of Health and Human Services to adopt rules with retroactive application to increase provider reimbursement in order to ensure access to covered medically necessary services for MaineCare members. The amendment also proposed to repeal the repeal date of July 1, 2006 on the authority of the department to adopt rules with retroactive application.

The amendment also proposed to direct the MaineCare Advisory Committee to review the report of the Blue Ribbon Commission on the Future of MaineCare with the goal of identifying initiatives for continuing improvement and monitoring changes in the federal Medicaid program. It proposed to direct the committee to report to the Joint Standing Committee on Health and Human Services any recommendations for legislation or rulemaking in an initial report by September 1, 2006 and a final report by January 1, 2007.

### *Enacted law summary*

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

Public Law 2005, chapter 648 authorizes the Department of Health and Human Services to adopt rules with retroactive application to increase provider reimbursement in order to ensure access to covered medically necessary services for MaineCare members. The law also repeals the repeal date of July 1, 2006 on the authority of the department to adopt rules with retroactive application.

The law directs the MaineCare Advisory Committee to review the report of the Blue Ribbon Commission on the Future of MaineCare with the goal of identifying initiatives for continuing improvement and monitoring changes in the federal Medicaid program and directs the committee to report to the Joint Standing Committee on Health and Human Services any recommendations for legislation or rulemaking in an initial report by September 1, 2006 and a final report by January 1, 2007.

Enacted as an emergency Public Law 2005, chapter 648 takes effect May 30, 2006.

**LD 1760**                      **An Act To Amend the Maine Health Data Organization and Maine Health Data Processing Center Laws**                      **PUBLIC 565**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO	OTP-AM    MAJ	S-515
MILLER	OTP-AM    MIN	

LD 1760 proposed to clarify that dental services are not limited benefit health insurance policies and are subject to assessment of permanent funding under the Maine Health Data Organization laws.

**Committee Amendment “A” (S-515)** proposed to allow the Maine Health Data Processing Center to receive and process claims from entities outside the State and specified how the net earnings of the center must be distributed. It proposed to require the Maine Health Data Organization board of directors to report those net earnings each year and to increase the fine from \$250,000 to \$500,000 for a person who receives and uses data of the Maine Health Data Organization for commercial advantage, pecuniary or personal gain or malicious harm.

### *Enacted law summary*

Public Law 2005, chapter 565 specifies that, under the Maine Health Data Organization laws, dental service policies are not considered limited benefit health insurance policies and are subject to the permanent funding assessment. It allows the Maine Health Data Processing Center to receive and process claims from entities outside the State, specifies how the net earnings of the center must be distributed and requires the Maine Health Data Organization board of directors to report those net earnings each year. It also increases the fine from \$250,000 to \$500,000 for a person who receives and uses data of the Maine Health Data Organization for commercial advantage, pecuniary or personal gain or malicious harm.

**LD 1784**                      **Resolve, To Clarify Contingency Allowance under the Certificate of Need Law**                      **RESOLVE 185  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN R	OTP-AM	S-548