

# 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*

**LD 1991**

**Resolve, To Ensure the Availability of Consumer-directed  
Personal Assistance Services**

**RESOLVE 199**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS RICHARDSON J	OTP-AM	S-581 S-600 MAYO

LD 1991 proposed the following.

1. It proposed to direct the Commissioner of Health and Human Services and the Commissioner of Labor to adopt rules to increase rates of reimbursement for providers of consumer-directed personal care assistance services.
2. It proposed to direct the Commissioner of Health and Human Services and the Commissioner of Labor to initiate a competitive bidding process to solicit bids from prospective providers of consumer-directed personal care assistance services.
3. It proposed to direct the Commissioner of Health and Human Services and the Commissioner of Labor to develop a plan and timeline to implement recommendations of the working group established pursuant to Public Law 2003, chapter 673 on consumer direction in Maine's long-term supportive services system, and to submit the plan and timeline to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Labor.

**Committee Amendment “A” (S-581)** proposed to add to the work of the Commissioner of Health and Human Services and the Commissioner of Labor a survey of wages and benefits of personal care assistants, including those in programs for which funds are provided by the State, and a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 1, 2007. The amendment proposed to change the resolve to provide wage increases from \$9 to \$10 per hour in order to reflect the increase from \$7.71 to \$9.00 per hour provided in Public Law 2005, chapter 519, Part VVV. The amendment proposed to provide an appropriation for the Department of Health and Human Services programs. The amendment proposed to make money available for the wage increase October 1, 2006.

**Senate Amendment “A” to Committee Amendment “A” (S-600)** proposed to direct the Department of Health and Human Services to submit an amendment to the State Medicaid plan for a program for personal assistance services for persons with physical disabilities. The amendment proposed to allow a pay increase up to \$10 per hour if funding were available from the program. The amendment proposed to delay any increase in the program run by the Department of Labor until the Department of Health and Human Services program grants an increase.

***Enacted law summary***

Resolve 2005, chapter 199 accomplishes the following.

1. It directs the Commissioner of Health and Human Services and the Commissioner of Labor to adopt rules to increase rates of reimbursement for providers of consumer-directed personal care assistance services up to \$10 per hour rate of pay, depending on available funds.

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

2. It directs the Commissioner of Health and Human Services and the Commissioner of Labor to initiate a competitive bidding process to solicit bids from prospective providers of consumer-directed personal care assistance services.
3. It directs the Commissioner of Health and Human Services and the Commissioner of Labor to develop a plan and timeline to implement recommendations of the working group established pursuant to Public Law 2003, chapter 673 on consumer direction in Maine's long-term supportive services system, and to submit the plan and timeline to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Labor.
4. It requires the Commissioner of Health and Human Services and the Commissioner of Labor to conduct a survey of wages and benefits of personal care assistants, including those in programs for which funds are provided by the State, and to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 1, 2007.
5. It requires the Department of Health and Human Services to submit an amendment to the Medicaid state plan for a program for personal assistance services for persons with physical disabilities.

**LD 1992**

**An Act Regarding Prescription Drug Information Intermediaries**

**PUBLIC 589**

<u>Sponsor(s)</u> MAYO PINGREE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-549
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LD 1992 proposed to prohibit pharmacy benefits managers and electronic transmission intermediaries from releasing health care information, which is defined as information that directly identifies an individual and that relates to the individual's physical, mental or behavioral condition, personal or family medical history or medical treatment or the health care provided to that individual, unless permission is received from the individual or other authorized person. Current law prohibits health care providers, pharmacies and insurance companies from releasing this information.

**Committee Amendment “A” (S-549)** proposed to replace the bill. It proposed to prohibit a prescription drug information intermediary from selling or exchanging for value prescription drug information that identifies directly or indirectly an individual who is the subject of the prescription drug information. It proposed to designate a violation of this Act as a violation of the Maine Unfair Trade Practices Act. The amendment also proposed to require drug manufacturers who pay the fee for state oversight of prescription drug and clinical trial information to pay that fee to the State. Current law requires that fee to be paid to the Department of Health and Human Services. The amendment did not propose to change or add to the fee.

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

Public Law 2005, chapter 589 prohibits a prescription drug information intermediary from selling or exchanging for value prescription drug information that identifies directly or indirectly an individual who is the subject of the prescription drug information. It designates a violation of this Act as a violation of the Maine Unfair Trade Practices Act. The law also requires drug manufacturers who pay the fee for state oversight of prescription drug and clinical trial information to pay that fee to the State. Current law requires that fee to be paid to the Department of Health and Human Services. The law does not change or add to the fee.