

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

JOINT STANDING COMMITTEE ON HEALTH AND HUMAN SERVICES

July 2007

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STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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 (or Accepted ONTP report)..... | 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..... | Bill held by Governor |
| VETO SUSTAINED..... | Legislature failed to override Governor's Veto |

Please note that the effective date for non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Health and Human Services

6. Beginning January 1, 2008, states that a carrier, pharmacy or prescription drug information intermediary may not license, use, sell, transfer or exchange for value for marketing purposes prescriber-identifying prescription drug information of a prescriber who has filed for confidentiality protection;
7. Establishes a mechanism for confidentiality protection through an opt-out procedure similar to the federal Do Not Call List utilizing the licensing and relicensing process for prescribers. The procedures include information for the prescriber and methods for filing with the Maine Health Data Organization to protect confidentiality of prescriber-identifying information;
8. Grants rule-making authority to the licensing boards and the Maine Health Data Organization, provides Maine Health Data Organization funding through an assessment on manufacturers of prescription drugs dispensed through the MaineCare program and elderly low-cost drug program and requires a report on confidentiality protection activity within the Maine Health Data Organization under the law as part of the organization's annual report to the Legislature;
9. Provides authority to the Department of Health and Human Services to transfer funding to the Maine Health Data Organization and the Department of Professional and Financial Regulation to fund their costs for the mechanism to protect the confidentiality of prescriber-identifying prescription drug information.

See also LD 838.

LD 12 An Act To Establish a Residency Requirement for MaineCare Recipients ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| BROWNE | ONTP | |

This bill establishes a 30-day residency requirement for applicants for the MaineCare program.

LD 22 An Act To Require Health Care Practitioners to Distribute Free Samples of Medication in Certain Circumstances ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| BEAUDOIN | ONTP | |

This bill requires health care practitioners to distribute free samples of medications to patients in order to test the reaction of the patient and the effectiveness in treatment of the disease or condition. The requirement to distribute free samples depends on availability, appropriateness and timeliness.

LD 28 An Act To Establish a Statewide Residency Requirement for General Assistance ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| BROWNE | ONTP | |

Joint Standing Committee on Health and Human Services

This bill establishes a 30-day residency requirement for general assistance benefits.

LD 29 An Act To Amend the Laws Governing Welfare

PUBLIC 282

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| BEAUDOIN | OTP-AM | H-351 |

This bill, presented as a concept draft pursuant to Joint Rule 208, proposes to amend the current law dealing with welfare recipients. The bill will require able-bodied welfare recipients to work with town officials and municipal officers to seek meaningful employment and will require them to work or volunteer in order to receive their welfare benefits.

Committee Amendment "A" (H-351)

This amendment replaces the bill and requires the Department of Health and Human Services to report to the Legislature a summary of the federal laws enacted in the previous fiscal year that may require changes in the ASPIRE-TANF program. It requires the department to report the potential impact of those federal law changes on the State's TANF program and the ASPIRE-TANF program. It repeals a requirement for the department to provide a report that compares Maine benefits under these programs to the benefits in other New England states.

Enacted Law Summary

Public Law 2007, chapter 282 replaces the bill and requires the Department of Health and Human Services to report to the Legislature a summary of the federal laws enacted in the previous fiscal year that may require changes in the ASPIRE-TANF program. It requires the department to report the potential impact of those federal law changes on the State's TANF program and the ASPIRE-TANF program. It repeals a requirement for the department to provide a report that compares Maine benefits under these programs to the benefits in other New England states.

LD 37 Resolve, Regarding Legislative Review of Portions of MaineCare Benefits Manual, Chapter III, Section 50, Principles of Reimbursement for Intermediate Care Facilities for Persons with Mental Retardation, a Major Substantive Rule of the Department of Health and Human Services, Office of MaineCare Services

RESOLVE 44
EMERGENCY

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| | OTP-AM | H-217 |

This resolve provides for legislative review of portions of MaineCare Benefits Manual, Chapter III, Section 50, Principles of Reimbursement for Intermediate Care Facilities for Persons with Mental Retardation, a major substantive rule of the Department of Health and Human Services, Office of MaineCare Services.

Committee Amendment "A" (H-217)

This amendment amends the resolve to provide approval of the provisionally adopted major substantive rules on reimbursement for intermediate care facilities for persons with mental retardation if certain enumerated changes are made to the rules.