

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

LD 364 An Act To Stop Misleading Drug Advertisements

ONTP

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

This bill prohibits the use of false or misleading prescription drug advertisements in the State by prescription drug manufacturers and also prohibits the use of language recommending the public to ask physicians about the use of any prescription drug.

LD 365 Resolve, To Promote Community Integration for Individuals with Brain Injuries

RESOLVE 105

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN	OTP-AM	H-518

This resolve requires the Department of Health and Human Services to apply by January 1, 2008 for a federal waiver to operate a MaineCare waiver program to allow a person with a brain injury who is eligible for services at the nursing facility level to choose to receive services in a home or in a community-based setting. The resolve provides for public information and input from interested parties. The resolve requires reports to the Legislature by April 15, 2008, January 15, 2009 and April 15, 2009 regarding the department's progress in applying for and securing the waiver.

Committee Amendment "A" (H-518)

This amendment replaces the resolve. It directs the Department of Health and Human Services to complete a comprehensive plan to address the needs of persons with disabilities due to brain injuries by January 1, 2008. It provides a process for the development of the plan and the participation of interested persons. It requires reports to the Legislature by January 15, 2008, January 15, 2009 and April 15, 2009 regarding its progress implementing the elements of the plan. The amendment authorizes the Joint Standing Committee on Health and Human Services to submit legislation regarding services to persons with brain injuries to the Second Regular Session of the 123rd Legislature.

Enacted Law Summary

Resolve 2007, chapter 105 directs the Department of Health and Human Services to complete a comprehensive plan to address the needs of persons with disabilities due to brain injuries by January 1, 2008. It provides a process for the development of the plan and the participation of interested persons. It requires reports to the Legislature by January 15, 2008, January 15, 2009 and April 15, 2009 regarding its progress implementing the elements of the plan. The resolve authorizes the Joint Standing Committee on Health and Human Services to submit legislation regarding services to persons with brain injuries to the Second Regular Session of the 123rd Legislature.

LD 386 An Act To Provide for Prescription Monitoring and Protection of Personal Patient Information

ONTP

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

Joint Standing Committee on Health and Human Services

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to amend current law to establish an electronic prescription drug monitoring system to enhance patient safety by providing a means to avoid medication errors. The electronic prescription drug monitoring system will allow pharmacists, physicians and other authorized health care providers to obtain a complete record of all drugs prescribed to a patient, identify the prescribing physician for each drug and list the dates on which each prescription was filled. This information will give health care providers additional means to ensure that patients do not have adverse reactions due to incompatible drug interactions or over-prescription of medications from multiple prescribing physicians.

The bill proposes to direct the Department of Health and Human Services to apply for federal funds and seek other funding sources to develop the electronic prescription drug monitoring system.

This bill also proposes to amend current law to prevent the unauthorized collection, use, sale or exchange of confidential patient prescription drug information for commercial use, financial gain or other unauthorized purposes and to levy penalties that are stringent enough to deter these activities.

LD 405 An Act To Establish Necessary MaineCare Pharmacy Incentives

CARRIED OVER

Sponsor(s)

LEWIN

Committee Report

Amendments Adopted

This bill directs the Department of Health and Human Services to amend the rules for MaineCare reimbursement to pharmacies for prescription drugs in order to increase the dispensing fee on a basis that is indexed to the Consumer Price Index and to provide other increases in reimbursement. The rules adopted are designated as routine technical rules.

This bill was carried over to any special or regular session of the 123rd Legislature by Joint Order, HP 1369.

LD 414 An Act To Decrease Cervical Cancer in Maine Girls

ONTP

Sponsor(s)

FAIRCLOTH

Committee Report

ONTP

Amendments Adopted

This bill requires a female child entering grade 6 for the first time to be immunized against the human papillomavirus, the virus that causes cervical cancer. This requirement takes effect with the start of the 2008-2009 school year. The bill provides an exemption from this requirement for a child whose parent states in writing that the parent has received information provided by the Department of Health and Human Services regarding cervical cancer and the human papillomavirus and has chosen for the child not to receive the human papillomavirus vaccine. The bill requires that the department identify that information by January 1, 2008, make it available to family physicians, pediatricians and public and private schools that serve grade 6 and post the material on the department's publicly accessible website.

See also LD 137.