

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

This bill ensures access to MaineCare services by providing incentives for health care practitioners to serve MaineCare members. The incentives, which will be established by routine technical rulemaking that must be completed by January 1, 2008, may include reimbursement or other incentives.

LD 551 An Act To Create the Maine Health Card Program

**ACCEPTED ONTP
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINKHAM	ONTP MAJ OTP MIN	

This bill establishes the Maine Health Card program to enable uninsured persons to pay the MaineCare price for medically necessary health services and prescribed covered drugs.

**LD 568 An Act To Conform HIV Testing to the Recommendations of the
Federal Centers for Disease Control and Prevention**

ONTP

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

This bill repeals the requirement for informed consent for HIV testing and the requirement for counseling prior to testing and upon disclosure of the test results to the tested person effective January 1, 2008. The bill requires a health care provider to notify a person prior to HIV testing and to provide an opportunity for the person to decline the test by signing a written statement, which must be kept in the person's health care file. The bill requires oral and written information regarding HIV testing. The bill corrects cross-references to informed consent and counseling. The bill provides an effective date of January 1, 2008.

See also LD 429, enacted as Public Law 2007, chapter 93.

LD 574 An Act To Increase Funding for the State's Immunization Program

ONTP

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

The bill provides funding for the State's immunization program so that the program can provide vaccines to adults and children according to guidelines established by the federal Department of Health and Human Services, Centers for Disease Control and Prevention.

LD 596 An Act To Repeal the Laws Governing Long-term Foster Care

PUBLIC 46

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO	OTP	

This bill repeals the laws that give the Department of Health and Human Services authority to place children in long-term foster care through agreement with the foster parents or pursuant to a court order.

Joint Standing Committee on Health and Human Services

Enacted Law Summary

Public Law 2007, chapter 46 repeals the provision of M.R.S.A Title 22 that gives the Department of Health and Human Services authority to place children in long-term foster care through agreement with the foster parents or pursuant to a court order as the department has implemented a program of permanency in place of long-term foster care.

LD 609 *Resolve, To Preserve and Support Community Treatment Options for Children's Behavioral Health Needs* ONTP

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

This resolve provides a method of assessing children's community behavioral health needs and the services that are being provided. The resolve directs the Department of Health and Human Services to perform 2 assessments and to impose a moratorium on the elimination of children's community behavioral health services until the assessments have been performed and reviewed.

LD 615 *An Act To Authorize the Use of the Department of Health and Human Services Staff as Hearing Officers* PUBLIC 80

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLER BRANNIGAN	OTP	

This bill eliminates the prohibition that existed in the former Department of Behavioral and Developmental Services against allowing department employees to serve as hearing examiners in grievances filed by clients receiving adult mental health services, adult mental retardation services or children's behavioral health services. Following the merger of that department with the Department of Health and Human Services, the office of administrative hearings operates separately from the program employees and can fairly and impartially hear these matters.

Enacted Law Summary

Public Law 2007, chapter 80 eliminates the prohibition that existed in the former Department of Behavioral and Developmental Services against allowing department employees to serve as hearing examiners in grievances filed by clients receiving adult mental health services, adult mental retardation services or children's behavioral health services. Following the merger of that department with the Department of Health and Human Services, the office of administrative hearings operates separately from the program employees and can fairly and impartially hear these matters.

LD 650 *An Act To Equalize MaineCare Reimbursements to Hospitals* P & S 19

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS J	OTP-AM MAJ ONTP MIN	H-162 S-136 GOOLEY

This bill requires the Department of Health and Human Services to pay hospitals the reimbursements owed for MaineCare services for fiscal years 2003 and earlier prior to paying for later years. The department is required to adopt routine technical rules to pay for services in the manner required by the bill.