

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

STAFF:

JANE ORBETON, SENIOR ANALYST
ELIZABETH F. COOPER, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

MEMBERS:

SEN. JOSEPH C. BRANNIGAN, CHAIR
SEN. LISA T. MARRACHE
SEN. KEVIN L. RAYE

REP. ANNE C. PERRY, CHAIR
REP. WILLIAM R. WALCOTT
REP. CAROL A. GROSE
REP. ELIZABETH S. MILLER
REP. PAULETTE G. BEAUDOIN
REP. GARY A. CONNOR
REP. ROBERT P. WALKER
REP. JAMES J. CAMPBELL, SR.
REP. SARAH O. LEWIN
REP. DONNA W. FINLEY
REP. DONALD G. SOCTOMAH

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 1176 An Act Regarding MaineCare Prescription Drug and Tobacco Sales BY REQUEST ONTP

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

This bill prohibits Medicaid drug formulary decisions from being based solely on the amount of the anticipated prescription drug rebate or financial benefits that the State would receive as a result of adding or deleting the drug to the list of drugs subject to reimbursement and coverage under the MaineCare program. It also repeals the restrictions on delivery sales and illegal delivery of tobacco products in the State.

LD 1179 An Act To Provide Regional Coordination and Planning for Public Health Programs and Activities ONTP

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

This bill authorizes county commissioners to set up regional public health coordinating councils based on county boundaries. County commissioners may appoint members to the councils, or authorize municipal officers to do so, and must include representatives of the counties, municipalities and the local health community. If county commissioners do not choose to set up councils, then a caucus of municipal officers from at least one-third of the municipalities in a region may do so. If neither county commissioners nor municipal officers set up a council, then the Director of the Maine Center for Disease Control and Prevention within the Department of Health and Human Services shall do so. The councils are responsible for conducting a health needs assessment of the region, developing a health plan for the region and providing annual reports to the county commissioners. The councils are authorized to seek funding sources through grants and may enter into contracts with the State or health-related organizations.

See also LD 1812.

LD 1184 Resolve, To Establish a Commission To Study the Possibility of Implementing the Proposed Healthy Americans Act ONTP

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

This resolve establishes the Commission to Study the Possibility of Implementing the Healthy Americans Act proposed by Senator Ron Wyden of Oregon, which would establish a centrally financed system of private health insurance for those not covered by Medicare.

LD 1187 An Act To Recoup Health Care Funds through the Maine False Claims Act ONTP

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

Joint Standing Committee on Health and Human Services

This bill enacts the Maine False Claims Act in order to protect the state and federal governments against false and fraudulent claims under the Medicaid program known in the State as the MaineCare program under the Maine Revised Statutes, Title 22, chapter 855. This bill provides authorization for actions, referred to as qui tam actions, brought by a person for the person and for the State in the name of the State. This bill designates the person who brings the qui tam action as the relator. This bill provides protection from discrimination for an employee who participates in a qui tam action in furtherance of the action. This bill provides possible recoveries for the relator in addition to recoveries for the State. This bill establishes the False Claims Act Fund to receive the proceeds payable to the State as a result of false claims litigation.

LD 1198 *Resolve, Regarding the Provision of Over-the-counter Medications in the MaineCare Program*

RESOLVE 75

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARRACHE	OTP-AM	S-134

This bill discontinues MaineCare coverage for over-the-counter drugs beginning October 1, 2007 and directs the Department of Health and Human Services to amend the rules of the MaineCare program for coverage of medically necessary medication to carry out the provisions of this bill. The rules are designated as routine technical rules.

Committee Amendment "A" (S-134)

This amendment replaces the bill and makes it a resolve. It directs the Department of Health and Human Services, Office of MaineCare Services to undertake an educational initiative for health care practitioners who prescribe medications under the MaineCare program to provide information on prescription medications and any available over-the-counter equivalents and to remind practitioners that MaineCare will reimburse for over-the-counter medications only when they are medically necessary.

Enacted Law Summary

Resolve 2007, chapter 75 directs the Department of Health and Human Services, Office of MaineCare Services to undertake an educational initiative for health care practitioners who prescribe medications under the MaineCare program to provide information on prescription medications and any available over-the-counter equivalents and to remind practitioners that MaineCare will reimburse for over-the-counter medications only when they are medically necessary.

LD 1209 *An Act To License Weekly Housing Programs BY REQUEST*

ONTP

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

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

This bill proposes to direct the Department of Health and Human Services to adopt rules to license housing programs for weekly tenancies by October 1, 2007. The rules, which must be designated as routine technical rules, must provide for weekly payment of rent and appropriate procedures for the landlord or tenant to give notice to terminate the tenancy.