

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
123<sup>RD</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON HEALTH AND HUMAN SERVICES**

July 2007

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# STATE OF MAINE

123<sup>RD</sup> 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 123<sup>rd</sup> 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 1418 An Act To Provide Patients with Their Medication**

**ACCEPTED ONTP  
REPORT**

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

This bill:

1. Increases the usable amount of marijuana for medical use to up to 12 plants and exempts seeds, stems and roots from the weight limitations;
2. Changes a person who may document the need for a person to use marijuana for medical purposes from a physician to a person who is licensed to prescribe medicine;
3. Directs the Department of Health and Human Services to create a registry system with identification cards for patients eligible to receive marijuana for medical use and their care givers;
4. Immunizes patients eligible to receive marijuana for medical use and their care givers from search, arrest or prosecution or from civil penalty for using marijuana for medical use;
5. Prohibits a law enforcement officer from cooperating with federal authorities in investigating, searching, arresting or prosecuting patients eligible to receive marijuana for medical use and their care givers and registered dispensaries; and
6. Directs the Department of Health and Human Services to create a registry of nonprofit corporations that may become registered dispensaries to acquire, possess, cultivate, manufacture, deliver, transfer, transport, supply or dispense marijuana, marijuana seeds, marijuana cultivation equipment and marijuana-related supplies and educational materials to patients eligible to receive marijuana for medical use and their care givers.

**Committee Amendment "A" (S-88)**

This amendment is the minority report of the committee. It changes the definition of "usable amount of marijuana for medical use" from 2 1/2 ounces or less to 3 1/2 ounces or less and strikes all other provisions of the bill.

See also LD 770.

**LD 1421 Resolve, Regarding Tobacco Cessation and Treatment**

**RESOLVE 34**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM MAJ ONTP MIN	S-89

This resolve:

1. Directs the Department of Health and Human Services to adopt rules to implement for MaineCare the best practice treatment as delineated by the United States Department of Health and Human Services, Public Health

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

Service to reduce the barriers to effective tobacco cessation treatment;

2. Directs the Department of Professional and Financial Regulation, Bureau of Insurance to adopt rules to mandate that an insurer providing health insurance provide a standard insurance benefit for tobacco cessation treatment that is the same as that provided by MaineCare; and
3. Directs the Department of Health and Human Services and the Department of Professional and Financial Regulation, Bureau of Insurance to collaborate with the Maine Center for Disease Control and Prevention, Partnership for a Tobacco-Free Maine to develop a design of a model tobacco cessation treatment program and to ensure the effective implementation of the tobacco cessation treatment insurance benefit.

### **Committee Amendment "A" (S-89)**

This amendment replaces the resolve and substitutes a new title. The amendment directs the Department of Health and Human Services, through the Partnership for a Tobacco-Free Maine, Maine Center for Disease Control and Prevention and the Office of MaineCare Services, to undertake a study of best practice treatment and clinical practice guidelines for tobacco cessation treatment. The amendment requires the department to report to the Joint Standing Committee on Health and Human Services by January 15, 2008 and authorizes the committee to submit legislation.

### **Enacted Law Summary**

Resolve 2007, chapter 34 directs the Department of Health and Human Services, through the Partnership for a Tobacco-Free Maine, Maine Center for Disease Control and Prevention and the Office of MaineCare Services, to undertake a study of best practice treatment and clinical practice guidelines for tobacco cessation treatment. The resolve requires the department to report to the Joint Standing Committee on Health and Human Services by January 15, 2008 and authorizes the committee to submit legislation.

### **LD 1437    An Act To Review Prescription Drug Prior Authorization under MaineCare**

**ONTP**

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

This bill adds language regarding prior authorization to the MaineCare drug formulary statute and, beginning October 1, 2007, requires an annual review of the drugs subject to prior authorization, the clinical and scientific basis for prior authorization and analysis of the economic implications to the MaineCare program.

### **LD 1440    An Act To Prohibit the Sale or Distribution of Software That Contains Inappropriate Advertising of Prescription Drugs**

**PUBLIC 362**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT MARRACHE	OTP-AM MAJ ONTP MIN	H-481

This bill prohibits computer software that assists a health care practitioner in prescribing drugs from influencing the prescribing decision of the health care practitioner through any means, including, but not limited to, advertising, instant messaging and pop-up advertisements.

### **Committee Amendment "A" (H-481)**

This amendment is the majority report of the committee. The amendment adds to the bill a definition of "prescriber," clarifies that the prohibition is on the sale or distribution of certain software, provides a starting date of