

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

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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

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

Joint Standing Committee on Health and Human Services

January 1, 2008 and provides exceptions for in-house equipment in a hospital and for information provided to a prescriber about prescription drug formulary compliance, patient care management or pharmacy reimbursement.

Enacted Law Summary

Public Law 2007, chapter 362 prohibits the sale or distribution of computer software beginning January 1, 2008, that attempts to influence a prescribing decision of a prescriber. The law includes an exception for hospital systems and for information about formularies, care management and for pharmacy reimbursements.

LD 1446 An Act To Protect Children from Mercury and Thimerosal Toxicity in Immunizing Agents **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS NUTTING J	ONTP	

Beginning January 1, 2008, this bill prohibits the use of more than trace amounts of mercury or thimerosal in any immunizing agent for administration to children under 8 years of age and to pregnant women. It imposes requirements for labeling and written information packaged with the immunizing agent. It provides for an exemption if the Commissioner of Health and Human Services determines that an immunizing agent containing more than a trace amount is necessary due to an actual or potential bioterrorist incident or public health emergency. The bill also directs the department to develop a plan to ensure that all immunizing agents are mercury-free and thimerosal-free, including considering the requirement of the use of single-dose immunizing agents.

LD 1450 An Act To Create Equity in Hospital Charges **ONTP**

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

This bill requires a hospital to apply the same allowance or discount against the medical expenses of a self-pay patient as the hospital would apply to MaineCare or Medicare, whichever is less. A self-pay patient is a patient who does not have insurance coverage and whose family income is less than 400% of the federal poverty guidelines.

LD 1451 An Act To Promote the Health and Safety of Maine Consumers **ONTP**

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

This bill requires the Department of Health and Human Services, Maine Center for Disease Control and Prevention to publish on a publicly accessible Internet site the inspection ratings, including violations and fines assessed, of all eating establishments inspected by the Department of Health and Human Services.

LD 1463 An Act To Prevent Elder Prescription Drug Abuse **DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY	OTP-AM	S-159