

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

LD 1523 An Act Requiring Heavy Metal-free Immunizing Agents

ONTP

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

Beginning January 1, 2008, this bill prohibits the use of more than trace amounts of a heavy metal, including mercury or thimerosal, in any immunizing agent for administration to a person in this State. 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 of Health and Human Services to develop a plan to ensure that all immunizing agents are free of heavy metals, including mercury and thimerosal, including considering the requirement of the use of single-dose immunizing agents.

LD 1527 An Act To Set Maximum Allowable Television Viewing Hours for State-licensed Child Care Facilities

ONTP

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

This bill requires a child care facility that provides day care to not allow any television for a child under 2 years of age and to allow only one hour of television a day for a child 2 to 5 years of age.

LD 1535 Resolve, To Study the Certificate of Need Program

RESOLVE 110

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLER	OTP-AM MAJ ONTP MIN	H-519 H-553 PERRY A

This resolve creates the 12-member Work Group to Review and Recommend Improvements for the Certificate of Need Program, which includes 6 members appointed by the President of the Senate and the Speaker of the House, 4 members appointed by the Governor, a nonvoting ex officio member from the Governor's Office of Health Policy and Finance and a nonvoting ex officio member from the Department of Health and Human Services. The work group may hold up to 4 meetings to prioritize and examine some or all of 11 issues that are listed in the resolve and then, based on findings from the examination of the prioritized issues, identify improvements and make recommendations for changes in law or rule. The resolve requires the Department of Health and Human Services to provide a certificate of need background report to the work group no later than 45 days after the effective date of this resolve. The resolve also requires the work group to submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Second Regular Session of the 123rd Legislature by December 1, 2007 and authorizes the work group to introduce legislation related to its report.

Committee Amendment "A" (H-519)

This amendment is the majority report of the committee. The amendment replaces the resolve, but retains many of the original provisions. In addition, it directs the Department of Health and Human Services to convene a work group on the certificate of need program and to report to the Joint Standing Committee on Health and Human Services by January 15, 2008. The amendment authorizes the committee to submit legislation to the Second Regular Session of the 123rd Legislature.

Joint Standing Committee on Health and Human Services

House Amendment "A" (H-553)

This amendment adds 4 members to the work group on the certificate of need program.

Enacted Law Summary

Resolve 2007, chapter 110 directs the Department of Health and Human Services to convene a work group on the certificate of need program and to report to the Joint Standing Committee on Health and Human Services by January 15, 2008. The resolve authorizes the committee to submit legislation to the Second Regular Session of the 123rd Legislature.

LD 1536 Resolve, Directing the Department of Health and Human Services To Reform Maine's Noncategorical Medicaid Program

ONTP

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

This resolve requires the Department of Health and Human Services to make reforms to the state Medicaid program for noncategorical Medicaid recipients that will contain costs until the State can sustain a more generous system. It would require the department to evaluate the program and propose reforms to the Second Regular Session of the 123rd Legislature and any legislation needed to implement reforms. The resolve requires the department to limit the eligibility and benefits for noncategorical Medicaid recipients during fiscal years when the state and local tax burden ranks in the highest 1/3 of all states as determined by the Revenue Forecasting Committee, the State Tax Assessor and nongovernmental organizations that represent differing viewpoints, including the Maine Center for Economic Policy and the Maine Economic Research Institute. It would allow the department to increase benefits only when the state and local tax burden ranks in the middle 1/3 of all states as determined by the Revenue Forecasting Committee, the State Tax Assessor and nongovernmental organizations that represent differing viewpoints.

LD 1537 Resolve, To Review Remote Access Medicine, Hospice and Home Health Care under MaineCare

RESOLVE 111

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE	OTP-AM	H-484

This resolve requires the Department of Health and Human Services to adjust the rates for home health agencies providing care under the MaineCare program and to add an annual review and adjustment. The rules, which are designated as routine technical rules, must be amended by October 1, 2007. The resolve also directs the department to assess the impact of providing home care and hospice benefits to MaineCare members enrolled under the noncategorical adult waiver and to report to the Joint Standing Committee on Health and Human Services by December 1, 2007.

Committee Amendment "A" (H-484)

This amendment provides a new title and replaces the resolve. The amendment directs the Department of Health and Human Services to review certain aspects of the MaineCare program and to report to the Joint Standing Committee on Health and Human Services by January 15, 2008 with recommendations for legislation and rule and funding changes. The aspects that must be reviewed include MaineCare reimbursement for remote access medicine and hospice and home health care benefits for noncategorical adults. The joint standing committee is authorized to submit legislation to the Second Regular Session of the 123rd Legislature.

Enacted Law Summary