

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR AND FIRST SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed
during the Second Regular or First Special Sessions of the 123rd Maine
Legislature coming from the

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

May 2008

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STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR & FIRST SPECIAL SESSIONS



**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 Second Regular or First Special Sessions of the 123rd Maine Legislature.

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:

<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i>	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session (R2) is June 30, 2008. The effective date for non-emergency legislation enacted in the First Special Session (S1) is July 18, 2008.¹ The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills. Any bill summarized in this document having an LD number less than 1932 was a bill carried over from the First Regular Session of the 123rd Legislature.

¹ The session in which each law was enacted or finally passed (R2 or S1) is included in Appendix C.

Joint Standing Committee on Health and Human Services

This bill eliminates the capital investment fund, which limits the amount of capital spending for health care projects that are subject to the certificate of need laws. This bill specifies that the repeal of the capital investment fund applies retroactively to January 1, 2008.

LD 2153 An Act To Improve the Organizational Structure of the Department of Health and Human Services

ONTP

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

This bill consolidates provisions in the Maine Revised Statutes, Titles 22 and 34-B with existing provisions in Title 22-A to the extent that Titles 22 and 34-B described the Department of Health and Human Services' organizational structure and the Commissioner of Health and Human Services' powers and duties. Some provisions are repealed because they are redundant or obsolete; some are repealed or rewritten to give the commissioner more flexibility in organizing the department, appointing staff and delegating the various duties of the department among staff.

This bill was voted Ought Not to Pass in deference to Public Law 2007, chapter 539, Part N, which contains the same provisions as the committee amendment that was proposed.

LD 2163 Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting System for Health Care Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization

RESOLVE 166
EMERGENCY

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

This resolve provides for legislative review of portions of Chapter 270: Uniform Reporting System for Health Care Quality Data Sets, a major substantive rule of the Maine Health Data Organization.

Enacted Law Summary

Resolve 2007, chapter 166 provides for legislative review of portions of Chapter 270: Uniform Reporting System for Health Care Quality Data Sets, a major substantive rule of the Maine Health Data Organization.

Resolve 2007, chapter 166 was enacted as an emergency measure effective March 25, 2008.

LD 2166 Resolve, Regarding Legislative Review of Portions of Chapter 294: Rules Governing the Qualifications for Local Health Officers, a Major Substantive Rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention

RESOLVE 165
EMERGENCY

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

This resolve provides for legislative review of portions of Chapter 294: Rules Governing the Qualifications for Local Health Officers, a major substantive rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention.

Enacted Law Summary

Joint Standing Committee on Health and Human Services

Resolve 2007, chapter 165 provides for legislative review of portions of Chapter 294: Rules Governing the Qualifications for Local Health Officers, a major substantive rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention.

Resolve 2007, chapter 165 was enacted as an emergency measure effective March 26, 2008.

LD 2167 Resolve, Regarding Legislative Review of Portions of Chapter 120: Release of Data to the Public, a Major Substantive Rule of the Maine Health Data Organization **RESOLVE 192
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-860

This resolve provides for legislative review of portions of Chapter 120: Release of Data to the Public, a major substantive rule of the Maine Health Data Organization.

Committee Amendment "A" (H-860)

This amendment authorizes final adoption of portions of Chapter 120: Release of Data to the Public, a provisionally adopted major substantive rule of the Maine Health Data Organization, as long as certain changes to the rule are made regarding the collection, release and use of prescriber data.

Enacted Law Summary

Resolve 2007, chapter 192 authorizes final adoption of portions of Chapter 120: Release of Data to the Public, a provisionally adopted major substantive rule of the Maine Health Data Organization, as long as certain changes to the rule are made regarding the collection, release and use of prescriber data.

Resolve 2007, chapter 192 was enacted as an emergency measure effective April 10, 2008.

LD 2170 Resolve, Regarding Legislative Review of Portions of Chapter 10: Rules for Exemptions to the Ban on Flavored Cigarettes and Cigars, a Major Substantive Rule of the Department of the Attorney General **RESOLVE 178
EMERGENCY**

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

This resolve provides for legislative review of portions of Chapter 10: Rules for Exemptions to the Ban on Flavored Cigarettes and Cigars, a major substantive rule of the Department of the Attorney General.

Enacted Law Summary

Resolve 2007, chapter 178 provides for legislative review of portions of Chapter 10: Rules for Exemptions to the Ban on Flavored Cigarettes and Cigars, a major substantive rule of the Department of the Attorney General.

Resolve 2007, chapter 178 was enacted as an emergency measure effective April 1, 2008.