

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
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**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

pre-1978 residential dwellings.

6. The bill requires owners of leased residential dwellings to take reasonable precautions to ensure that the dwellings are free of lead-based paint hazards.
7. The bill provides confidentiality protections for certain lead poisoning and lead exposure information.
8. The bill requires the Department of Environmental Protection, the Maine State Housing Authority and the Department of Health and Human Services, Maine Center for Disease Control and Prevention to review issues related to achieving lead-safe housing and the elimination of childhood lead poisoning and to report to the joint standing committees of the Legislature having jurisdiction over health and human services matters and natural resources matters on the results of the review and recommendations, including proposed legislation to achieve lead-safe housing and lead poisoning prevention.

Committee Amendment "A" (H-921)

This amendment switches responsibility for producing posters and brochures warning of lead poisoning from the Department of Environmental Protection to the Department of Health and Human Services. It strikes portions of the bill that require annual self-inspection for lead dangers by owners of leased residential properties. The amendment retains language allowing an owner of a leased residential property to designate the property on a registry of lead-safe property maintained by the Department of Environment Protection. The amendment expands the scope of the report on lead-safe housing by the Department of Environmental Protection, the Maine State Housing Authority and the Department of Health and Human Services, Maine Center for Disease Control and Prevention. The amendment strikes those sections of the bill that require notice on renovations and remodeling and that grant an exemption to the notice requirement for renovations and remodeling by an owner who occupies the residential dwelling.

Enacted Law Summary

Public Law 2007, chapter 628 imposes on the Department of Health and Human Services the responsibility for producing posters and brochures warning of lead poisoning. The law allows an owner of a leased residential property to designate the property on a registry of lead-safe property maintained by the Department of Environment Protection. The law expands the scope of the report on lead-safe housing by the Department of Environmental Protection, the Maine State Housing Authority and the Department of Health and Human Services, Maine Center for Disease Control and Prevention.

LD 2242 An Act To Fund the Universal Childhood Immunization Program

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CONNOR MARRACHE	OTP-AM MAJ ONTP MIN	H-931

This bill establishes the Universal Childhood Immunization Program within the Department of Health and Human Services. The department is directed to include in the program those vaccines for childhood immunizations recommended by the United States Department of Health and Human Services, Centers for Disease Control and Prevention, Advisory Committee on Immunization Practices and designated for coverage by the federal Vaccines for Children Program. The bill establishes a dedicated account to effectuate the provisions of the program. The bill provides funds for the program from the Fund for a Healthy Maine.

Committee Amendment "A" (H-931)

This amendment:

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1. Clarifies that all of the funds in the Childhood Immunization Account must be used to implement the program;
2. Removes erroneous language in the bill regarding "provisions of the program," which is also referenced in the bill summary, where it refers to provisions concerning annual cost determinations and reporting to the Superintendent of Insurance that are not contained in the bill; and
3. Replaces the bill's appropriations and allocations section.

**LD 2286 Resolve, Implementing the Recommendations of the Commission To Study
Primary Care Medical Practice**

RESOLVE 195

Sponsor(s)

Committee Report

Amendments Adopted

This committee resolve requires several reports to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2009. It directs the Governor's Office of Health Policy and Finance and the Department of Health and Human Services to report on activities for implementing a multipayor patient-centered medical home pilot project and for streamlining preauthorization processes for primary care physicians who are cost-effective prescribers. It requires the Department of Health and Human Services to report on activities for implementing a single physician fee schedule for the MaineCare program. It requires the Governor's Office of Health Policy and Finance, the Maine Board of Pharmacy and the Department of Health and Human Services, Office of MaineCare Services to report on the feasibility of adopting flexible prescribed medication dispensing standards for pharmacists.

Enacted Law Summary

Resolve 2007, chapter 195 requires several reports to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2009. It directs the Governor's Office of Health Policy and Finance and the Department of Health and Human Services to report on activities for implementing a multipayor patient-centered medical home pilot project and for streamlining preauthorization processes for primary care physicians who are cost-effective prescribers. It requires the Department of Health and Human Services to report on activities for implementing a single physician fee schedule for the MaineCare program. It requires the Governor's Office of Health Policy and Finance, the Maine Board of Pharmacy and the Department of Health and Human Services, Office of MaineCare Services to report on the feasibility of adopting flexible prescribed medication dispensing standards for pharmacists.

**LD 2287 Resolve, Regarding Legislative Review of Portions of Major Substantive
MaineCare Benefits Manual, Chapter III, section 21; Home and
Community Benefits for Members with Mental Retardation on Autistic
Disorder, a Major Substantive Rule of the Department of Health and
Human Services**

**RESOLVE 207
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-944

This resolve provides for legislative review of portions of Major Substantive MaineCare Benefits Manual, Chapter III, Section 21, Home and Community Benefits for Members with Mental Retardation or Autistic Disorder, a major substantive rule of the Department of Health and Human Services.

Committee Amendment "A" (H-944)