

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

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)

Joint Standing Committee on Health and Human Services

This amendment authorizes final adoption of 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, provided certain changes to the rule are made related to record keeping.

Enacted Law Summary

Resolve 2007, chapter 207 authorizes final adoption of 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, provided certain changes to the rule are made related to record keeping.

Resolve 2007, chapter 207 was enacted as an emergency measure effective April 16, 2008.

LD 2294 An Act To Modernize the Local Health Officer Statutes

PUBLIC 598

Sponsor(s)

Committee Report

Amendments Adopted

This committee bill modernizes the local health officer statutes as part of the implementation of the recommendations of the Task Force to Study Maine's Homeland Security Needs. It modernizes the role of local health officers by focusing the authorities and duties of the local health officer on preventing and suppressing communicable diseases, as well as acting as a conduit of public health-related information between residents and statewide resources. Certain functions of local health officers are transferred to the Commissioner of Health and Human Services.

Enacted Law Summary

Public Law 2007, chapter 598 modernizes the local health officer role by focusing the authorities and duties of the local health officer on preventing and suppressing communicable diseases, as well as acting as a conduit of public health-related information between residents and statewide resources. The law transfers certain functions of local health officers to the Commissioner of Health and Human Services.

LD 2295 An Act To Implement the Recommendations of the Working Group To Study the Effectiveness and Timeliness of Early Identification and Intervention for Children with Hearing Loss in Maine

PUBLIC 646

Sponsor(s)

Committee Report

Amendments Adopted

H-1019 PERRY A

This committee bill requires a birthing hospital or birthing center, upon the approval of a parent of a newborn whose hearing is screened and receives a result of "refer," to schedule the newborn for a follow-up appointment with an audiologist. That appointment must be scheduled prior to discharge, and the birthing hospital or center shall notify the newborn's primary care provider in writing of such a referral prior to discharge. The bill also requires the Department of Health and Human Services' Newborn Hearing Program to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the results of its study of barriers to access to audiologists for the continued evaluation of hearing loss in newborns.

House Amendment "A" (H-1019)

This amendment requires birthing hospitals, birthing centers, hospitals or other medical facilities upon the approval of a parent of a newborn whose hearing is screened and receives a result of "refer," to schedule the newborn for a follow-up appointment with an audiologist and to notify the newborn's primary care provider in writing of the