

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
124<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the First Regular Session of the 124<sup>th</sup> Maine Legislature coming from the

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

July 2009

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# STATE OF MAINE

124<sup>TH</sup> 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 124<sup>th</sup> 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:

CARRIED OVER.....	Carried over to a subsequent session of the Legislature
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; bill died
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted; bill died
P&S XXX.....	Chapter # of enacted Private & Special Law
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

The effective date for non-emergency legislation enacted in the First Regular Session of the 124<sup>th</sup> Legislature is September 12, 2009. 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 408      An Act To Clarify the Term of a Retail Tobacco License**

**ONTP**

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

Currently, rules adopted by the Department of Health and Human Services, Maine Center for Disease Control and Prevention provide an expiration date of July 29th of each year for retail tobacco licenses that are, under the Maine Revised Statutes, Title 22, section 1552, subsection 2, valid for one year.

This bill clarifies that retail tobacco licenses are valid for one year from the date of issuance. See LD 462, Public Law 2009, chapter 199.

**LD 416      An Act To Provide Funding to the ElderCare Network**

**ACCEPTED ONTP  
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKANE TRAHAN	ONTP MAJ OTP MIN	

This bill requires the State Budget Officer to calculate and transfer by financial order, as adjustments to appropriations, savings from a reduction in out-of-state travel. The bill includes a deappropriation of \$250,000 in fiscal year 2009-10. The bill also includes a \$250,000 one-time appropriation in fiscal year 2009-10 to fund the ElderCare Network.

**LD 423      An Act To Provide a Safe Sleeping Environment for Children with Disabilities To Enable Them To Remain in Their Homes**

**PUBLIC 100**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK H SMITH D	OTP-AM	H-88

This bill requires the Department of Health and Human Services to provide MaineCare reimbursement for durable medical equipment that will provide a safe sleeping environment for individuals under 18 years of age if the equipment is: necessary to correct or ameliorate a behavioral health condition; the least restrictive alternative for the treatment of that condition; approved on a case-by-case basis by a review team specified in the bill; and cost-effective in comparison to other covered services or equipment for correction or amelioration of the condition. The bill authorizes the department to adopt routine technical rules as necessary to implement this proposed section of law.

**Committee Amendment "A" (H-88)**

This amendment changes the requirement to fund certain durable medical equipment from a MaineCare requirement to a requirement that the Department of Health and Human Services fund it within available resources. It also lowers

## *Joint Standing Committee on Health and Human Services*

the maximum eligible age to under 16.

### **Enacted Law Summary**

Public Law 2009, chapter 100 requires the Department of Health and Human Services to fund certain durable medical equipment within available resources for children up to age 16.

**LD 424      Resolve, Directing the Department of Education and the Department of Health and Human Services To Adopt Rules Requiring a Tetanus, Diphtheria and Pertussis Booster Vaccination in School-age Children      ONTP**

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

This resolve directs the Department of Education and the Department of Health and Human Services to jointly adopt rules setting requirements for a tetanus, diphtheria and pertussis booster vaccination to be given to school-age children.

The Joint Standing Committee on Health and Human Services requests by letter that the Maine Center for Disease Control and Prevention to convene a stakeholders group on childhood immunizations and report to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Education and Cultural Affairs by January 15, 2010. The letter requests that the report include findings and recommendations on: 1) other states' school mandated vaccines and criteria used for determining for mandates; 2) criteria agreed upon for use in Maine to determine which vaccines should be mandated for school attendance; 3) application of the criteria to all the childhood vaccines recommended by Advisory Committee on Immunization Practice; 4) recommendations (if any) for any additions to Maine's mandated vaccines for school attendance; 5) strategies to improve vaccination rates among school children; 6) a review of implementation strategies in Maine and other states for controlling disease outbreak in schools when unvaccinated children are enrolled and 7) a review of exemptions to school mandated vaccines in Maine and other states, how these are communicated to schools and parents and suggestions for any changes. The items covered in the letter address concerns raised in this bill and LD 881 as well as issues raised during deliberations of the Joint Standing Committee on Education and Cultural Affairs on LD 735.

**LD 462      An Act To Amend the Retail Tobacco and Liquor Licensing Laws      PUBLIC 199  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	S-163 BRANNIGAN S-83

This bill clarifies that all retail tobacco licenses expire March 31st each year and requires the Department of Health and Human Services to adopt rules to provide for prorated license fees for new applications received after April 1st. The bill further clarifies the jurisdiction of and provides consistent procedures for the District Court over agents and employees of both retail tobacco licensees and liquor licensees when charged with administrative violations.

### **Committee Amendment "A" (S-83)**

This amendment provides consistent notice and hearing procedures for the District Court to follow when retail