

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



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

JOINT STANDING COMMITTEE ON HEALTH AND HUMAN SERVICES

July 2009

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STATE OF MAINE

124TH 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 First Regular Session of the 124th 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 124th 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

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

Joint Standing Committee on Health and Human Services

tobacco licensees and liquor licensees or their agents and employees are charged with administrative violations.

Senate Amendment "A" (S-163)

This amendment adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2009, chapter 199 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 law 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.

This law provides consistent notice and hearing procedures for the District Court to follow when retail tobacco licensees and liquor licensees or their agents and employees are charged with administrative violations.

Public Law 2009, chapter 199 was enacted as an emergency measure effective May 26, 2009.

LD 479 An Act To Recognize Maine Youth Camps

PUBLIC 211

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRANNIGAN	OTP-AM	S-148

This bill addresses ambiguities and inconsistencies in statute concerning youth camps and clarifies the laws governing their operation. Part A defines youth camps as a separate entity and further clarifies the law under the Maine Revised Statutes, Title 22, chapter 562 based on the definition of "youth camps" in rules adopted by the Department of Health and Human Services, 10-144 Code of Maine Rules, chapter 208, section 1.H. Part B corrects other statutory provisions concerning youth camps to eliminate the inconsistent and confusing references.

Committee Amendment "A" (S-148)

This amendment removes a provision in the bill that was not applicable to youth camps and incorporates changes to the Maine Revised Statutes, Title 22, section 4011-A, subsection 1, paragraph A made by Public Law 2009, chapter 41 to avoid a conflict.

Enacted Law Summary

Public Law 2009, chapter 211 addresses ambiguities and inconsistencies in statute concerning youth camps and clarifies the laws governing their operation. Part A defines youth camps as a separate entity and further clarifies the law under the Maine Revised Statutes, Title 22, chapter 562 based on the definition of "youth camps" in rules adopted by the Department of Health and Human Services, 10-144 Code of Maine Rules, chapter 208, section 1.H. Part B corrects other statutory provisions concerning youth camps to eliminate the inconsistent and confusing references.