

# 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 809      An Act To Preserve the Viability of Services to Maine's Citizens with Mental Retardation**

**ONTP**

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

This emergency bill makes a one-time appropriation for the Mental Retardation Waiver - MaineCare program in the event that the temporary increase in Maine's federal matching assistance percentage exceeds \$98,800,000 to restore services that have been cut this fiscal year to pay for a shortfall in the program incurred due to the payment of claims from prior fiscal years resulting from computer problems that delayed Medicaid claims processing.

**LD 819      An Act To Encourage Transparency in Disclosing the Ingredients in Vaccinations for Children to Parents and Guardians**

**ONTP**

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

The purpose of this bill is to provide greater transparency regarding the ingredients of vaccinations and to reduce confusion related to school immunization requirements and a parent's right to decide against immunizing that parent's child. The bill requires a health care provider or clinic staff person to, prior to immunizing a person under 18 years of age, disclose the ingredients of the immunizing agent or agents to the parent or guardian of the child. It also requires the health care provider or clinic staff person to notify the parent or guardian of the option of refusing immunization of the child based on religious or philosophical beliefs.

**LD 820      An Act To Prohibit Smoking in Outdoor Eating Areas**

**PUBLIC 140**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COHEN CRAVEN	OTP-AM	H-132

This bill prohibits smoking in outdoor eating areas until 10:00 p.m.

**Committee Amendment "A" (H-132)**

This amendment replaces the bill and changes the title. It prohibits smoking in outdoor eating areas of eating establishments without the time limit proposed in the bill and removes the penalty. It requires eating establishments to notify their patrons of the prohibition on smoking and to request that persons in the outdoor eating area comply with the law.

**Enacted Law Summary**

Public Law 2009, chapter 140 prohibits smoking in outdoor eating areas of eating establishments. It requires eating establishments to notify their patrons of the prohibition on smoking and to request that persons in the outdoor eating

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

area comply with the law.

**LD 821      An Act To Support Collection and Proper Disposal of Unwanted Drugs      Carried Over**

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

This bill establishes a system to collect and safely dispose of unwanted drugs from households and other residential sources.

This bill was carried over to any special or regular session of the 124th Legislature by Joint Order, H.P. 1053. This bill was carried over to enable interested parties to work out alternative wording for the bill.

**LD 854      Resolve, Directing the Department of Health and Human Services To      ONTP**  
**Create a New Health Care Internet Infrastructure**

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

This resolve directs the Department of Health and Human Services to create an Internet-based system to access data concerning the availability of nursing home beds.

The Health and Human Services Committee requested from the Department of Health and Human Services a report by January 15, 2010 on progress that the department is making on a health care internet infrastructure.

**LD 865      An Act To Change the Maine HIV Advisory Committee      PUBLIC 203**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAREY BARTLETT	OTP-AM	H-243

This bill adjusts the statutory duties of the Maine HIV Advisory Committee to ensure that its activities are performed on behalf of those individuals in the State who are infected by, at risk for or affected by HIV and to provide a more proactive role for the committee regarding issues surrounding HIV. This bill removes funeral directors from the list of representatives that may be chosen to be on the Maine HIV Advisory Committee.

### **Committee Amendment "A" (H-243)**

This amendment replaces the bill. It changes the duties of the Maine HIV Advisory Committee by adding budgeting to the areas on which the committee advises the Governor and other agencies and removing the annual assessment of budget proposals at state agencies related to HIV. It also changes the date by which the committee must report to the Governor and the Legislature from January 15th to January 31st. It reduces the size of the committee from 21 members to 19. It changes the composition of the committee membership to two members of the Legislature, five