

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
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 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

and Prevention, offices of minority health and data, research and vital statistics and a Washington County health organization to work with the Passamaquoddy health directors to help reduce health disparities between the Passamaquoddy Tribe and the State and the United States and Washington County and the State and the United States. This work must include development of an action plan to address health disparities found between Washington County and the State and the United States and the Passamaquoddy Tribe and the State and the United States and the development of recommendations for data collection methods to address the disparities. A report must be submitted to the Joint Standing Committee on Health and Human Services by January 15, 2011, and the committee may submit legislation related to the report to the First Regular Session of the 125th Legislature.

Resolve 2009, chapter 93 was passed as an emergency measure effective June 8, 2009.

**LD 1229 Resolve, Directing the Department of Health and Human Services To
Extend MaineCare Dental and Oral Health Services**

**LEAVE TO
WITHDRAW**

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

This resolve directs the Department of Health and Human Services to amend its rules regarding MaineCare services to extend MaineCare dental and oral health services to a pregnant woman who is eligible to receive MaineCare benefits through the duration of her pregnancy and for 60 days after the birth of her child regardless of the pregnant woman's age.

LD 1230 An Act To Prohibit the Delivery of Tobacco Products to Minors

PUBLIC 398

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| PERRY A | OTP MAJ OTP-AM MIN | H-438 S-308 BRANNIGAN |

This bill prohibits delivery sales of tobacco products in the State to anyone other than a licensed tobacco distributor or a licensed tobacco retailer.

Committee Amendment "A" (H-438)

This amendment is the minority report of the committee. It exempts delivery sales of large cigars to adult purchasers from the prohibition on delivery sales of tobacco products to consumers.

This amendment amends Committee Amendment "A" as follows:

1. It exempts premium cigars from the requirement that delivery sales of tobacco products must be shipped to a licensed tobacco distributor or retailer;
2. It retains current law on shipment of tobacco products, narrowing it beginning October 1, 2009 to apply to premium cigars, and retaining the requirement that shippers of premium cigars into the State be licensed as tobacco retailers;

Joint Standing Committee on Health and Human Services

3. It repeals a provision of the law that has been enjoined by the federal court and a provision that does not apply to premium cigars; and
4. It adds an effective date of October 1, 2009.

Senate Amendment "B" To Committee Amendment "A" (S-308)

This amendment incorporates Senate Amendment "A" except that the definition of "premium cigar" is amended by taking out the word "hand."

This amendment amends Committee Amendment "A" as follows:

1. It exempts premium cigars from the requirement that delivery sales of tobacco products must be shipped to a licensed tobacco distributor or retailer;
2. It retains current law on shipment of tobacco products, narrowing it beginning October 1, 2009 to apply to premium cigars, and retaining the requirement that shippers of premium cigars into the State be licensed as tobacco retailers;
3. It repeals a provision of the law that has been enjoined by the federal court and a provision that does not apply to premium cigars; and
4. It adds an effective date of October 1, 2009.

Enacted Law Summary

Public Law 2009, chapter 398 prohibits delivery sales of tobacco products in the State to anyone other than a licensed tobacco distributor or a licensed tobacco retailer but exempts premium cigars. For premium cigars it retains current law on shipment of tobacco products, narrowing it beginning October 1, 2009 to apply to premium cigars, and retaining the requirement that shippers of premium cigars into the State be licensed as tobacco retailers. It repeals a provision of the law that has been enjoined by the federal court and a provision that does not apply to premium cigars.

Public Law 2009, chapter 398 takes effect October 1, 2009.

LD 1244 **Resolve, To Advance Health Care in Maine**

ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|---------------------------|
| HARVELL MILLS P | ONTP | |

This resolve requires the State Budget Officer to transfer funds from the Federal Relief Funds Reserve account to the Medical Care - Payments to Providers program to pay MaineCare settlements for hospital fiscal year 2007 and hospital fiscal year 2008.