

# 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

8. Removing the provision for a combined application for applicants seeking both a certificate of need and a certificate of public advantage.

### House Amendment "A" To Committee Amendment "B" (H-541)

This amendment corrects an error by inserting a word that was inadvertently omitted from Committee Amendment "B."

### Enacted Law Summary

Public Law 2009, chapter 383 makes the following changes to the Maine Certificate of Need Act of 2002:

- 1) Clarifies that a portion of an ambulatory surgical facility functioning as the office of a health care practitioner that contains major medical equipment is considered to be a health care facility,
- 2) Retains the current exemption from certificate of need for medical office buildings owned or subsidized by a hospital or a hospital's parent company;
- 3) Brings the threshold amounts up to the current levels, which brings the thresholds for major medical equipment and new technology to \$1,600,000 and the threshold for capital expenditures to \$3,100,000;
- 4) Eliminates of all indexing, which annually adjusts threshold amounts to reflect changes in the Consumer Price Index medical index;
- 5) Allows the exemption from the certificate of need requirements for the replacement major medical equipment by the owner that is a cost of \$2,000,000 or less;
- 6) Applies a simplified review and approval process for certificate of need to major medical equipment above the \$2,000,000 threshold;
- 7) Including replacement equipment that is not major medical equipment in the list of capital expenditures that do not require a certificate of need;
- 8) Changes the category of rules from major substantive to routine technical rules for procedures after voluntary nursing facility reductions;
- 9) Clarifies and changes provisions related to maintenance of record, the schedule for related meetings, the amount of time for public notice, and the elimination of the requirement for a public informational meeting and a public hearing for simplified reviews; and
- 10) Authorizes the department to collect fines up to \$10,000 without a civil court action and provisions that give the recipient of the notice of the fine an opportunity to request an administrative hearing on the matter.

Public Law 2009, chapter 383 was enacted as an emergency measure effective June 12, 2009.

**LD 1396**

### An Act To Establish a Mental Health Services Advisory Commission To Improve Mental Health Services in the State

ONTP

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

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

This bill establishes the Mental Health Services Advisory Commission to look at how mental health services are delivered statewide and to advise, consult and assist the Governor and the executive, legislative and judicial branches of State Government with activities of State Government related to the delivery of mental health services.

**LD 1408     An Act To Establish the Universal Childhood Immunization Program**

**Carried Over**

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

This bill creates the Universal Childhood Immunization Program to provide immunizations and cover the costs of recommended vaccines for children in the State not covered by the federal Vaccines for Children Program. The bill creates the Maine Vaccine Board to determine the costs of purchasing and administering the vaccines and directs the board to assess these costs to appropriate health insurers in the State based on each insurer's share of nonelderly insureds in the State.

This bill requires pharmacy benefits managers to register with the Department of Professional and Financial Regulation, Bureau of Insurance before entering into any contracts for pharmacy benefits management in the State. The bill also sets forth standards for audits conducted by pharmacy benefits managers. The bill requires the State Auditor to develop audit procedures to ensure state agencies that have pharmacy benefits management contracts are compliant with state law relating to pharmacy benefits management and prescription drug rebates. The bill also expands the privacy provisions applicable to pharmacy benefits managers to ensure that patient prescription information, even deidentified information, is not used directly by the pharmacy benefits manager or sold by or transferred to others for use in pharmaceutical marketing or by insurance companies in making benefits decisions.

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 in anticipation of available funding.

**LD 1411     Resolve, Regarding Legislative Review of Portions of Chapter 120:  
Release of Data to the Public, a Major Substantive Rule of the Maine  
Health Data Organization**

**RESOLVE 84  
EMERGENCY**

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

This resolve provides for legislative review of portions of Chapter 120: Release of Data to the Public, a major substantive rule of the Maine Health Data Organization.

**Enacted Law Summary**

Resolve 2009, chapter 84 provides for authorization of portions of Chapter 120: Release of Data to the Public, a major substantive rule of the Maine Health Data Organization. Chapter 120 governs the manner and extent to which data submitted to or assembled by the Maine Health Data Organization (MHDO) or its predecessor agencies will be made available to the public. It defines the scope of the exceptions to the Freedom of Access Law and outlines procedures for determining whether data are confidential or privileged and for protecting file data. The rule changes several definitions to be consistent with MHDO statutes and rules. It adds the insured group or policy number to the