

# MAINE STATE LEGISLATURE

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



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

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

April 2010

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# STATE OF MAINE

124<sup>TH</sup> LEGISLATURE  
SECOND 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 Second 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 HOUSES*..... 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 Second Regular Session of the 124<sup>th</sup> Legislature is Monday, July 12, 2010. 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*

This amendment is the majority report of the committee. The amendment adds a mandate preamble. It removes the provisions of the bill related to rabies control and provisions of the bill that would require municipalities to remit to the Department of Health and Human Services a portion of the increased fees that towns would charge for vital records. It reduces the increased fee for burial permits from \$40 to \$20, changes the term "burial" to "disposition of human remains" and exempts dispositions of human remains paid for by municipal General Assistance from the fee. The amendment authorizes the Department of Health and Human Services to charge municipalities fees for services and paper related to vital records, the fees to be established through major substantive rulemaking and to be reviewed every three years. It requires the department to review every three years the fees charged by municipalities for vital records. It also adds an appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2009, chapter 589 increases the maximum fees that may be charged with respect to certain documents regarding birth, marriage and death and the maximum fees that may be charged for permits for the disposition of human remains and for certain plumbing permits. It exempts burials paid for by General Assistance from the required fees. It increases the license fee for certain eating establishments, eating and lodging places, lodging places, recreational camps, youth camps and camping areas and allows the department to collect a transaction fee from a licensee who renews a license electronically. It increases the fee for a voluntary inspection by the department of an electrologist's training, place of practice and equipment. It increases the license fee for micropigmentation practitioners and tattoo and body piercing artists. It provides that fees collected by the department for an inspection of an electrologist's training, place of practice and equipment and license fees for micropigmentation practitioners and tattoo and body piercing artists must be deposited into a special revenue account for health inspections. The law allows the Department of Health and Human Services to charge municipalities fees for services and paper related to vital records, the fees to be established through major substantive rulemaking and to be reviewed every three years. It requires the department to review every three years the fees charged by municipalities for vital records.

**LD 1599**

### **An Act Regarding the Maternal and Infant Death Review Panel**

**PUBLIC 531  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARRACHE	OTP-AM	S-383

This bill requires health care providers to report to the maternal and infant death review panel all deaths of infants under one year of age and women during pregnancy and within 42 days of giving birth and to provide notice of the report, at the time of death or at the time of making the report, to the parent or parents or authorized representative of the deceased person. The bill repeals the ending date of January 1, 2011 of the maternal and infant death review panel.

### **Committee Amendment "A" (S-383)**

This amendment authorizes the maternal and infant death panel coordinator to have access to fetal death certificates. The amendment requires the panel coordinator to review the majority of fetal deaths occurring after 28 weeks' gestation. The amendment prohibits the panel coordinator from reviewing cases of abortion.

### **Enacted Law Summary**

Public Law 2009, chapter 531 requires health care providers to report to the maternal and infant death review panel all deaths of infants under one year of age and women during pregnancy and within 42 days of giving birth and to provide notice of the report, at the time of death or at the time of making the report, to the parent or parents or authorized representative of the deceased person. The law repeals the ending date of January 1, 2011 of the maternal and infant death review panel. The law authorizes the maternal and infant death panel coordinator to have

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

access to fetal death certificates. It requires the panel coordinator to review the majority of fetal deaths occurring after 28 weeks' gestation and prohibits the panel coordinator from reviewing cases of abortion.

Public Law 2009, chapter 531 was enacted as an emergency measure effective March 22, 2010.

### **LD 1600      Resolve, To Allow for the Proper Disposal of Medical Supplies**

**ONTP**

<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 establish by rule a program to allow consumers to safely dispose of medical supplies, including, but not limited to, syringes and diabetic test supplies.

### **LD 1602      An Act To Clarify the Child Abuse or Neglect Substantiation Process**

**PUBLIC 558**

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

This bill makes it explicit that the Department of Health and Human Services has authority to make findings as a result of allegations against the parents or caregivers regarding whether or not a child has been abused or neglected.

#### **Enacted Law Summary**

Public Law 2009, chapter 558 specifies that the Department of Health and Human Services has authority to make findings as a result of allegations against the parents or caregivers regarding whether or not a child has been abused or neglected.

### **LD 1615      An Act To Reimburse Pharmacies under the MaineCare Program Based on Wholesale Acquisition Costs**

**ONTP**

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

This bill requires the Department of Health and Human Services to reimburse pharmacies for dispensing covered brand name and generic drugs under the MaineCare program based on a formula that includes calculated wholesale acquisition cost plus 6.7% and a dispensing fee of \$3.35 per prescription and allows the department to adopt routine technical rules. The formula applies to drugs dispensed under the MaineCare program on or after September 26, 2009.