

# 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:

<i>CARRIED OVER</i> .....	<i>Carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i> .....	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN HOUSES</i> .....	<i>House &amp; Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i> .....	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i> .....	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i> .....	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i> .....	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i> .....	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i> .....	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PUBLIC XXX</i> .....	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i> .....	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i> .....	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's Veto</i>

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*

updates the penalty section in the laws governing vital statistics to be compliant with current statutes.

### **Committee Amendment "A" (H-783)**

This amendment adds a provision to the bill to allow inspection of vital records by and issuance of noncertified copies of vital records to persons doing genealogical research who hold researcher identification cards. It directs the Department of Health and Human Services to adopt routine technical rules to implement the provision. The amendment also adds an appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2009, chapter 601 changes the name of the Department of Health and Human Services, Office of Health Data and Program Management to the Office of Data, Research and Vital Statistics. The law enables the Office of Data, Research and Vital Statistics to establish a system for the electronic filing of death certificates. The law acknowledges the change in name of the Veterans Administration Center at Togus to the United States Department of Veterans Affairs at Togus. The law shortens the time period in which a vital record may be corrected or completed from one year to 90 days. The law enables the State Registrar of Vital Statistics to appoint subregistrars. The law allows a disposition of human remains permit to be issued for a fetus regardless of gestational age. The law enables the State Registrar of Vital Statistics to change the design of forms for adult adoptee access to records without using the rule-making process. The law authorizes the Chief Medical Examiner within the Department of the Attorney General to designate individuals to execute supplemental certificates of death as regards time, date, place and circumstances of death, while reserving to the medical examiner responsibility for determining the cause and manner of death in medical examiner cases. The law updates the penalty section in the laws governing vital statistics to be compliant with current statutes. The law allows inspection of vital records by and issuance of noncertified copies of vital records to persons doing genealogical research who hold researcher identification cards. The law directs the Department of Health and Human Services to adopt routine technical rules to implement the law.

**LD 1798    An Act To Authorize a General Fund Bond Issue To Create Access to Dental Care throughout the State**

**INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CONNOR COURTNEY	OTP-AM   MAJ ONTP   MIN	

This resolve proposes bonding for dental and oral health purposes. The funds provided by the bond issue in Part A, in the amount of \$7,000,000, will be awarded on a competitive basis, \$5,000,000 to be used for a community-based teaching clinic affiliated with or operated by a college of dental medicine and \$2,000,000 to be used to upgrade community-based health care clinics across the State to increase their capacity. Part B establishes a regular monitoring requirement regarding grant recipients. Part C establishes a committee to award the funds. Part D makes Part B and Part C contingent on passage of the General Fund bond issue. This resolve did not pass. But see LD 1826 Parts D, E, F and G on bond issues to go to statewide vote in 2010.

**LD 1811    An Act To Amend the Maine Medical Marijuana Act**

**PUBLIC 631  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRANNIGAN	OTP-AM	S-508 S-519   DIAMOND

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

This bill amends the statutes enacted by Initiated Bill 2009, chapter 1, which allows a person who has been diagnosed by a physician as suffering from certain medical conditions to possess marijuana for medical use. It reflects the recommendations of the Committee on the Implementation of the Maine Medical Marijuana Act and the Criminal Law Advisory Commission. It also clarifies many of the provisions of the statutes, clarifies the process to add new debilitating conditions and conforms the language of the statutes to other Maine laws. It also applies retroactively to December 23, 2009, the effective date of the initiated bill.

### **Committee Amendment "A" (S-508)**

This amendment replaces the bill. It adds emergency language to the bill. It clarifies definitions and certain terms, including changing the term for marijuana that is used for medical purposes from "usable marijuana" to "prepared marijuana," changes implementation dates to July 1, 2010 and delays repeal of the provisions on affirmative defense that apply to qualifying patients and caregivers who do not hold registration cards. It adds three health care practitioners to the advisory board that will consider adding medical conditions, diseases and treatments to the list of qualifying debilitating conditions and provides additional confidentiality protections. It provides a physician review process for qualifying patients who are minors and allows for the administration of marijuana to registered patients in food and in other preparations. The amendment resolves a conflict in the bill regarding the rights of visiting registered patients, allowing possession of marijuana for medical use for 30 days based on the other jurisdiction's registry card while not allowing the visiting qualifying patient to obtain marijuana based on that registry card. The amendment prohibits the employment of minors in marijuana dispensaries and requires an annual report from the Department of Health and Human Services by April 1st each year. The amendment sets the fee for dispensaries, as determined by rule adopted by the department, at no less than \$5,000 and no greater than \$15,000 per year. The amendment limits the number of dispensaries to one per department public health district for the first year, with review by the department after one year. This amendment provides startup funding through a General Fund working capital advance of \$200,000, with a two-year repayment schedule.

### **Senate Amendment "A" To Committee Amendment "A" (S-519)**

This amendment increases the General Fund working capital advance from \$200,000 to \$250,000 and changes the payback schedule to require all advanced funds to be repaid by June 30, 2011.

### **Enacted Law Summary**

Public Law 2009, chapter 631 amends the statutes enacted by Initiated Bill 2009, chapter 1, which allows a person who has been diagnosed by a physician as suffering from certain medical conditions to possess marijuana for medical use. It reflects the recommendations of the Committee on the Implementation of the Maine Medical Marijuana Act and the Criminal Law Advisory Commission. It also clarifies many of the provisions of the statutes, clarifies the process to add new debilitating conditions and conforms the language of the statutes to other Maine laws.

It clarifies definitions and certain terms, including changing the term for marijuana that is used for medical purposes from "usable marijuana" to "prepared marijuana," changes implementation dates to July 1, 2010 and delays until January 1, 2011 repeal of the provisions on affirmative defense that apply to qualifying patients and caregivers who do not hold registration cards. It adds three health care practitioners to the advisory board that will consider adding medical conditions, diseases and treatments to the list of qualifying debilitating conditions and provides additional confidentiality protections. It provides a physician review process for qualifying patients who are minors and allows for the administration of marijuana to registered patients in food and in other preparations. The law allows possession of marijuana for medical use for 30 days based on the registry card of another jurisdiction while not allowing the visiting qualifying patient to obtain marijuana based on that registry card. The law prohibits the employment of minors in marijuana dispensaries and requires an annual report from the Department of Health and Human Services by April 1st each year. The law sets the fee for dispensaries, as determined by rule adopted by the department, at no less than \$5,000 and no greater than \$15,000 per year. The law limits the number of dispensaries to one per department public health district for the

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

first year, with review by the department after one year.

The law provides for a General Fund working capital advance of \$250,000, with a payback schedule that requires all advanced funds to be repaid by June 30, 2011. The law applies retroactively to December 23, 2009, the effective date of the initiated bill.

Public Law 2009, chapter 631 was enacted as an emergency measure effective June 9, 2010.