

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

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

July 2011

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STATE OF MAINE
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LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 125th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD 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 LD is noted to the right of the LD title. The following describes the various final actions.

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; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public Law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 125th Legislature is September 28, 2011. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Health and Human Services

This resolve directs the Department of Health and Human Services to amend its rules governing the MaineCare program to provide that a person who smokes is not eligible to receive benefits under the program.

Committee Amendment "A" (S-17)

This amendment changes the title of the resolve and changes the resolve to focus on MaineCare tobacco cessation and treatment. The amendment directs the Department of Health and Human Services, through the Partnership for a Tobacco-Free Maine, the Maine Center for Disease Control and Prevention and the Office of MaineCare Services, to work to address and reduce tobacco use by MaineCare members, to identify best practice measures for reducing the smoking rate of MaineCare members and to determine ways to increase use of the MaineCare tobacco treatment benefit while working within existing resources to fund projects necessary to reach MaineCare members. The amendment requires the department to submit a written report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on its progress by November 30th each year through 2014.

Enacted Law Summary

Resolve, 2011, chapter 24 directs the Department of Health and Human Services, through the Partnership for a Tobacco-Free Maine, the Maine Center for Disease Control and Prevention and the Office of MaineCare Services, to work to address and reduce tobacco use by MaineCare members, to identify best practice measures for reducing the smoking rate of MaineCare members and to determine ways to increase use of the MaineCare tobacco treatment benefit while working within existing resources to fund projects necessary to reach MaineCare members. The resolve requires the department to submit a written report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on its progress by November 30th each year through 2014.

LD 248 An Act To Provide for a Temporary License To Operate Certain Eating and Lodging Establishments LEAVE TO WITHDRAW

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY LANGLEY	LTW	

This bill allows an initial applicant for a license for a currently licensed eating establishment, eating and lodging place, lodging place, recreational camp, youth camp or camping area that needs a new license due to a change in ownership to also apply for a temporary license until a determination on the initial license application is reached or for 60 days, whichever is shorter. The fee for a temporary license is \$100.

LD 258 An Act Relating to Access to Vital Records PUBLIC 58

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANDERSON	OTP-AM	H-77

This bill makes more accessible to the public birth records, marriage records, domestic partnership registrations and death records while maintaining safeguards regarding certified copies of those records.

Committee Amendment "A" (H-77)

Joint Standing Committee on Health and Human Services

This amendment replaces the bill. It clarifies that informational copies of vital records are noncertified copies. It shortens the time period for access to vital records. It opens to inspection and allows for purchase of noncertified copies of vital records created prior to 1892. It requires custodians of vital records to permit inspection of the records by a person who has a direct and legitimate interest and by a researcher engaged in genealogical research who holds a researcher identification card.

Enacted Law Summary

Public Law 2001, chapter 58 clarifies that informational copies of vital records are noncertified copies. It shortens the time period for access to vital records. It opens to inspection and allows for purchase of noncertified copies of vital records created prior to 1892. It requires custodians of vital records to permit inspection of the records by a person who has a direct and legitimate interest and by a researcher engaged in genealogical research who holds a researcher identification card.

LD 267 An Act To Strengthen the Laws on Methicillin-resistant Staphylococcus Aureus and To Improve Health Care MAJORITY (ONTP) REPORT

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

This bill strengthens the laws on the collection and dissemination of information regarding methicillin-resistant Staphylococcus aureus and screening requirements and procedures to control the spread of the infection. The bill requires reporting on multidrug-resistant organism infections and provides for a patient's right to personal advocacy in hospital and other health care settings.

Committee Amendment "A" (H-415)

This amendment is the minority report of the committee. The amendment adds mandatory screening for methicillin-resistant Staphylococcus aureus on transfer into an intensive care unit in a hospital and screening up to 3 weeks prior to elective admission. It requires screening of certain lesions. It requires screening of patients admitted for surgical implantation of any medical device or hardware and of patients who have had those procedures in the past. It qualifies the authority of a patient advocate, making it dependent on the discretion of the patient. It makes other changes in the proposed law on patient advocates.

LD 286 An Act To Allow the Operation of Crematoriums at Oak Grove Cemetery and the Kelley Family Cemetery P & S 10 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANLEY MCCORMICK	OTP-AM MAJ ONTP MIN	H-142 S-131 RAYE

This bill authorizes Oak Grove Cemetery to construct a crematorium on land that it owns or is owned by the City of Gardiner and that is in an area zoned for industrial or commercial use or zoned as rural in the greater Gardiner area. Current law allows crematoriums only in cemeteries with 20 or more acres of land. This bill provides that the land on which the crematorium is constructed may be less than 20 acres, but not less than 3 acres.