

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 bill requires a health care provider or clinic staff person to, prior to immunizing a person under 18 years of age, disclose the ingredients of the immunizing agent or agents to the parent or guardian of the child. It also requires the health care provider or clinic staff person to notify the parent or guardian of the option of refusing immunization of the child based on religious or philosophical beliefs.

LD 702 An Act To Prevent HIV Transmission from a Pregnant Mother to a Child PUBLIC 229

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS CRAVEN	OTP-AM MAJ ONTP MIN	H-283

This bill provides for mandatory testing for HIV status as part of a standard set of medical tests for a pregnant woman or a woman being tested for pregnancy. The bill allows a woman to refuse an HIV test and requires documentation in the woman's medical record if she refuses an HIV test. The bill requires HIV testing of certain newborn infants.

Committee Amendment "A" (H-283)

This amendment removes the requirement in the bill for a health care provider to provide an HIV test when testing a woman for pregnancy. It adds an exemption for a parent to object to an HIV test on a newborn infant on religious grounds. It changes the requirement in the bill for a newborn infant to be tested within 48 hours after birth to the requirement that the test results on a newborn be made available within 12 hours after birth.

Enacted Law Summary

Public Law 2011, chapter 229 provides for mandatory testing for HIV status as part of a standard set of medical tests for a pregnant woman. The bill allows a woman to refuse an HIV test and requires documentation in the woman's medical record if she refuses an HIV test. The bill requires HIV testing of certain newborn infants except that a parent may object to an HIV test on religious grounds.

LD 703 An Act To Amend the Laws Governing Licensure Compliance Methods for Camping Areas, Recreational Camps, Youth Camps and Eating Establishments PUBLIC 375

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS CRAVEN	OTP-AM	H-539

This bill changes the number of inspections covered by the license fee for an application for or the renewal of a license to operate an eating establishment, eating and lodging place, lodging place, recreational camp, youth camp or camping area from two to one. After the initial inspection and one follow-up inspection, there is a charge for each additional inspection to determine an applicant's eligibility for licensure. In addition, the bill permits the Department of Health and Human Services to determine licensure compliance by inspection or other method as determined by the department.

Committee Amendment "A" (H-539)

This amendment requires the inspection of a licensed establishment at least once every two years instead of at least once a year as proposed in the bill.

Joint Standing Committee on Health and Human Services

Enacted Law Summary

Public Law 2011, chapter 375 changes the number of inspections covered by the license fee for an application for, or the renewal of, a license to operate an eating establishment, eating and lodging place, lodging place, recreational camp, youth camp or camping area from two to one. After the initial inspection and one follow-up inspection, there is a charge for each additional inspection to determine an applicant's eligibility for licensure. In addition, the bill permits the Department of Health and Human Services to determine licensure compliance by inspection or other method as determined by the department.

LD 719 **An Act To Make Certain Prescription Drug Disclosure Laws Consistent with Federal Law** **PUBLIC 461**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS MCCORMICK	OTP-AM MAJ OTP-AM MIN	H-647

This bill strikes the laws related to the reporting of marketing costs, price reporting and the disclosure of clinical trials by manufacturers and labelers of prescription drugs.

Committee Amendment "A" (H-647)

This amendment is the majority report of the committee. It provides funding for the academic detailing program. The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2011, chapter 461 strikes the laws related to the reporting of marketing costs, price reporting and the disclosure of clinical trials by manufacturers and labelers of prescription drugs.

LD 724 **Resolve, To Create an Evidence-based Study and Comprehensive Plan for HIV and AIDS Services in Maine** **RESOLVE 55**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT	OTP-AM	S-98

This resolve directs the Maine HIV Advisory Committee to conduct a study and develop a comprehensive plan for HIV and AIDS prevention and care services in Maine. The committee is to report its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2013.

Committee Amendment "A" (S-98)

This amendment adds to the resolve by requiring non-General Fund funding for the Maine HIV Advisory Committee to conduct an evidence-based study and develop a comprehensive plan for HIV and AIDS prevention and care services in the State.

Enacted Law Summary

Resolve 2011, chapter 55 directs the Maine HIV Advisory Committee to conduct a study and develop a comprehensive plan for HIV and AIDS prevention and care services in Maine. The committee must seek funding for