

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

funds as long as they are available and to document both the recommendations of the statewide quality improvement council for the expenditure of those funds and the allocation that is eventually made.

LD 920 An Act To Ensure the Availability of Preventive Health Care Services ONTP
for Children

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK H	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to allow every child in the State under 18 years of age to receive one annual medical checkup, free of charge, from the child's primary care physician. This checkup would include laboratory work for standard blood tests.

LD 933 Resolve, Requiring the Department of Health and Human Services To RESOLVE 61
Conduct a Review of Medicaid "Any Willing Provider" Requirements

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STUCKEY ALFOND	OTP-AM	H-284

This resolve requires the Department of Health and Human Services to conduct a review of "any willing provider" laws under the federal Medicaid program and report to the Joint Standing Committee on Health and Human Services the results of its review and recommendations for changes in the laws of this State and rules of the department to give the State more authority to regulate for positive health outcomes, quality of care, meeting geographic needs and controlling costs.

Committee Amendment "A" (H-284)

This amendment changes the report date in the resolve from December 1, 2011 to January 1, 2012.

Enacted Law Summary

Resolve 2011, chapter 61 requires the Department of Health and Human Services to conduct a review of "any willing provider" laws under the federal Medicaid program and report by January 1, 2012 to the Joint Standing Committee on Health and Human Services the results of its review and recommendations for changes in the laws of this State and rules of the department to give the State more authority to regulate for positive health outcomes, quality of care, meeting geographic needs and controlling costs.

LD 936 An Act To Conform Maine Menu Labeling Laws to Federal Standards Carried Over

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS MCCORMICK		

Joint Standing Committee on Health and Human Services

This bill repeals provisions of law regarding menu labeling that have been preempted by the federal Patient Protection and Affordable Care Act, Public Law 111-148, Section 4205(2010), which creates a uniform national approach to nutrition labeling for restaurant menus with a primary focus on calorie content. The bill retains the current statutory definition of "chain restaurant" and directs the Department of Health and Human Services to adopt major substantive rules to locally enforce the provisions of 21 United States Code, Section 343(2010).

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 941 An Act To Prohibit Mandatory Immunizations

**MAJORITY
(ONTP) REPORT**

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

This bill prohibits mandatory immunizations for persons.

Committee Amendment "A" (S-106)

This amendment, which is the minority report of the committee, removes from the bill the section that relates to emergency rescue and public safety workers undergoing immunization for certain diseases. The amendment also repeals the authority of the Governor to declare an extreme public health emergency.

LD 962 An Act To Amend the Medicaid Income Requirements To Promote Agricultural Labor

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TILTON GOODALL	ONTP	

This bill exempts income derived from seasonal agricultural or forest products employment from being counted as income for Medicaid eligibility purposes.

LD 967 Resolve, To Study the Cost of Providing Behavioral Health Care and Substance Abuse Services

RESOLVE 107

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN CRAVEN	OTP-AM	H-424 H-663 STRANG BURGESS

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to provide community-based mental health and substance abuse providers in emergency rooms to triage both mental health and substance abuse patients, in order to refer such patients to more appropriate and less