

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
125<sup>TH</sup> 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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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 125<sup>th</sup> 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 125<sup>th</sup> 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 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

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

expensive community-based treatment, and use the savings to increase access to peer support services.

**Committee Amendment "A" (H-424)**

This amendment replaces the bill, which is a concept draft. It requires the Department of Health and Human Services to review the use of hospital emergency departments by persons requiring only behavioral health and substance abuse services. The amendment requires the department to identify care that could be delivered in community-based settings, to review models for triage and diversion, to estimate potential cost savings and to report recommendations by March 1, 2012 to the Joint Standing Committee on Health and Human Services.

**House Amendment "A" To Committee Amendment "A" (H-663)**

This amendment changes the date by which the Department of Health and Human Services is required to report to the Joint Standing Committee on Health and Human Services from March 1, 2012 to June 1, 2012.

**Enacted Law Summary**

Resolve 2011, chapter 107 requires the Department of Health and Human Services to review the use of hospital emergency departments by persons requiring only behavioral health and substance abuse services. The resolve requires the department to identify care that could be delivered in community-based settings, to review models for triage and diversion, to estimate potential cost savings and to report recommendations by June 1, 2012 to the Joint Standing Committee on Health and Human Services.

**LD 1001      An Act To Assist Persons Who May Be Eligible for Social Security Disability Assistance      DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EVES ROSEN R	OTP-AM MAJ ONTP MIN	H-619

This bill requires the Department of Health and Human Services to assist ASPIRE-TANF participants who have been determined to have a physical or mental health problem that may be severe enough to qualify for federal social security disability insurance benefits or federal supplemental security income benefits to apply for those benefits. The bill also establishes guidelines and criteria that the department is required to follow in assisting the participants.

**Committee Amendment "A" (H-619)**

The amendment adds an appropriations and allocations section.

This bill died on the appropriations table on adjournment.

**LD 1023      An Act To Authorize the Board of Licensure of Podiatric Medicine and the State Board of Veterinary Medicine To Establish a Podiatrist Health Program and a Veterinarian Health Program      PUBLIC 190**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS CRAVEN	OTP-AM	H-285