

# 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*

**Enacted Law Summary**

Public Law 383 clarifies that an individual must possess both a valid registry identification card and a valid Maine-issued driver's license or other Maine-issued photo identification as proof of valid participation in the medical use of marijuana. The law specifies that a primary caregiver's registry identification card expires on the same date that the patient's card expires. The law removes the requirement that registry identification cards contain information distinguishing the cardholder as a patient or primary caregiver and a photo. The law includes provisions on forfeiture for excess marijuana, allows the use in court of certified copies of marijuana registry records and includes rulemaking on fees paid by primary caregivers.

**LD 1160      Resolve, To Promote Education Regarding Parkinson's Disease among Health Care and Emergency Personnel**

**MAJORITY  
(ONTP) REPORT**

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

This resolve requires the Department of Health and Human Services, Maine Center for Disease Control and Prevention to undertake an educational initiative regarding Parkinson's disease to increase understanding among health care and emergency personnel by July 1, 2012. The initiative must include training on Parkinson's disease and its symptoms and appropriate responses. The Maine Center for Disease Control and Prevention is directed to work collaboratively with the boards of licensure in the health care professions, the Department of Public Safety, the Department of Corrections, public transportation providers and crisis intervention personnel. Informational materials developed under the initiative must be used in the information and referral service on Parkinson's Syndrome.

**Committee Amendment "A" (H-141)**

This amendment, which is the minority report of the committee, adds an appropriations and allocations section.

**LD 1166      An Act To Improve Electronic Prescribing**

**ONTP**

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

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

This bill proposes to improve the electronic prescription drug program by establishing an electronic prior authorization system that:

1. Is aligned with the SCRIPT standard as set forth by the National Council for Prescription Drug Programs;
2. Is required to be included as a part of all devices and software and hardware systems that facilitate the electronic submission of prescription drug orders;
3. Uses a universal format for prior authorizations;

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

4. Notifies the patient's preferred pharmacy of pending prior authorizations;
5. Provides specific feedback to the prescriber on acceptable reasons for approval of a prior authorization request for a prescription drug prescribed for a patient; and
6. Provides real-time feedback on the prior authorization request to a prescriber and a patient's preferred pharmacy, which provides an explanation of benefits for the patient and includes information on how to appeal in the event of a denial of the requested medication.

**LD 1177     An Act To Make Minor Changes to Municipal Health Inspection  
Activities**

**PUBLIC 193**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN BRANNIGAN	OTP-AM	H-238

This bill amends the laws regarding the municipal licensing and inspection of campgrounds, recreational camps, youth camps and eating establishments. It clarifies definitions for campgrounds, cottages, eating establishments, lodging places, vending machines, recreational camps and youth camps. The bill adds definitions for health inspectors, public pools, public spas and sporting camps. It repeals definitions for eating and lodging places, sanitarians and vending machine establishments. It requires owners of public pools and spas and sporting camps to obtain a license from the Department of Health and Human Services. Municipal inspection reports must be furnished electronically in a format and on a schedule determined by the department, and fees as set forth in the Maine Revised Statutes, Title 22, section 2494 for municipal license types as described in Title 22, section 2492 must be waived for establishments located in municipalities to which authority to conduct inspections has been delegated by the department. However, the licensee is required to pay the department a sum not to exceed \$60 for each license type. It also exempts, for the purposes of the law requiring licensure of camping areas, those camping areas that are parking lots of shopping malls and store parking areas from the presumption that the owner of a camping area with five or more tents or recreational vehicles on a commercial lot is receiving compensation. The bill also fixes cross-references. It provides that the Department of Health and Human Services will not inspect or license lodging places that let three or fewer rooms.

**Committee Amendment "A" (H-238)**

This amendment amends the definition of "campground" to exclude parking lots generally, rather than only those parking lots used for emergency stops of less than 12 hours as proposed in the bill. It restores the definition of "eating and lodging places or lodging places" repealed in the bill but defines them as "eating and lodging places" only. It also restores references to eating and lodging places wherever they were removed from the statute in the bill. A definition of "lodging place" is included in the bill. The amendment increases the maximum sum that the Department of Health and Human Services may charge a delegated municipality for a license fee from \$60 to \$100. The amendment also adds a mandate preamble.

**Enacted Law Summary**

Public Law 2011, chapter 193 makes the following changes to the laws regarding the municipal licensing and inspection of campgrounds, recreational camps, youth camps and eating establishments.

1. It clarifies definitions for campgrounds, cottages, eating establishments, lodging places, eating and lodging places, vending machines, recreational camps and youth camps.
2. It adds definitions for health inspectors, public pools, public spas and sporting camps.