

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

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

PUBLIC 193

Activities

<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.

Joint Standing Committee on Health and Human Services

3. It repeals definitions for sanitarians and vending machine establishments.
4. It requires owners of public pools and spas and sporting camps to obtain a license from the Department of Health and Human Services.
5. Municipal inspection reports must be furnished electronically in a format and on a schedule determined by the department.
6. Fees 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 except that the licensee is required to pay the department a sum not to exceed \$100 for each license type.
7. It provides that the Department of Health and Human Services will not inspect or license lodging places that let three or fewer rooms.

LD 1181 An Act To Increase Access to Vital Records ONTP

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

This bill allows a person who is an interested party and has a legitimate purpose to obtain a copy of vital records without a court order. The bill also defines "interested party" as a beneficiary of a decedent, a beneficiary of an asset or a beneficiary of a life insurance policy.

LD 1195 Resolve, To Create Equitable Reimbursement for Mental Health Providers ONTP

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

This resolve directs the Department of Health and Human Services to amend its rules under the MaineCare program to increase reimbursement for social workers and other licensed mental health professionals and caseworkers from \$55 to \$70 per hour.

LD 1196 An Act To Clarify Assistance for Persons with Acquired Brain Injury PUBLIC 293

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODE CRAVEN	OTP-AM	H-409