

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

the bill that allow qualifying patients to use marijuana for medical purposes, removes provisions of the bill that increase the amount of marijuana a medical marijuana patient may possess, adds provisions requiring treating physicians to consult with other physicians before providing written certification for the medical use of marijuana for minors who are qualifying patients and adds a requirement that the Department of Health and Human Services expunge from the records of the medical marijuana registry information on a registered patient's diagnosis and information on qualifying patients who request to be removed from the registry.

Enacted Law Summary

Public Law 2011, chapter 407 allows qualifying patients to use marijuana for medical purposes, removes from the law the requirement that treating physicians to consult with other physicians before providing written certification for the medical use of marijuana for minors who are qualifying patients and adds a requirement that the Department of Health and Human Services expunge from the records of the medical marijuana registry information on a registered patient's diagnosis and information on qualifying patients who request to be removed from the registry. The law makes registration with DHHS optional for patients and for caregivers who care only for family and household members. The law adds specific language on an affirmative defense and on forfeiture of marijuana in excess of amounts allowed by the law on medical use of marijuana.

LD 1303 An Act To Increase the Fee Paid to a Funeral Home To Transport a Body at the Request of the State Medical Examiner PUBLIC 445

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITTS	OTP-AM	H-239 S-358 ROSEN R

This bill increases the fee paid to a funeral establishment to transport a body to Augusta at the request of the Department of the Attorney General, Office of Chief Medical Examiner.

Committee Amendment "A" (H-239)

This amendment adds an appropriations and allocations section to the bill.

Senate Amendment "A" To Committee Amendment "A" (S-358)

This amendment adds an effective date of July 1, 2012 and removes the fiscal year 2011-12 General Fund appropriation of \$26,250.

Enacted Law Summary

Public Law 2011, chapter 445 increases the fee paid to a funeral establishment to transport a body to Augusta at the request of the Department of the Attorney General, Office of Chief Medical Examiner, beginning July 1, 2012.

LD 1331 An Act To Increase Health Care Quality through the Promotion of Health Information Exchange and the Protection of Patient Privacy PUBLIC 347

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOSEL	OTP-AM	H-458

Joint Standing Committee on Health and Human Services

This bill amends the law regarding health information exchanges to specify when and under what circumstances information may be shared between a health care practitioner or health care facility and a health information exchange. The health information exchange must provide the ability for the client or individual to opt out. The bill specifies when information may be disclosed even if a client or individual has opted out. The bill prohibits a provider or health insurer from refusing to provide medical assistance or insurance coverage based on the individual's decision to participate or not participate in a health information exchange. The bill prohibits reference to the participation or nonparticipation of a health care practitioner or health care facility in a health information exchange from being used as evidence in negligence or other civil action.

Committee Amendment "A" (H-458)

This amendment specifies that a health information exchange is a state-designated statewide health information exchange. It also changes the definition of "health care facility" from the definition used in the laws regarding certificate of need to a general definition that includes all facilities licensed under the Maine Revised Statutes, Title 22, including a home health care provider and hospice program and also pharmacies licensed pursuant to Title 32.

Enacted Law Summary

Public Law 2011, chapter 347 amends the law regarding health information exchanges to specify when and under what circumstances information may be shared between a health care practitioner or health care facility and a health information exchange. The state-designated statewide health information exchange must provide the ability for the client or individual to opt out. The law specifies when information may be disclosed even if a client or individual has opted out. The law prohibits a provider or health insurer from refusing to provide medical assistance or insurance coverage based on the individual's decision to participate or not participate in the state-designated statewide health information exchange. The law prohibits reference to the participation or nonparticipation of a health care practitioner or health care facility in the state-designated statewide health information exchange from being used as evidence in negligence or other civil action.

LD 1334 An Act To Require the Department of Health and Human Services To License Families To Provide Care for Children in Foster Care

PUBLIC 187

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN	OTP	

This bill requires the Department of Health and Human Services to issue a license to a resource family whether the family provides a foster child with foster care, kinship care, adoption or permanency guardianship as long as the family meets the requirements and standards for adoption of children in foster care. Current law does not allow the department to license a preadoptive home. The bill gives the department that authority and puts the department in compliance with Title IV-E of the United States Social Security Act.

Enacted Law Summary

Public Law 2011, chapter 187 requires the Department of Health and Human Services to issue a license to a resource family whether the family provides a foster child with foster care, kinship care, adoption or permanency guardianship as long as the family meets the requirements and standards for adoption of children in foster care. The law gives the department the authority to license a preadoptive home and puts the department in compliance with Title IV-E of the United States Social Security Act.