

# 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 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**

Sponsor(s)

CRAVEN

Committee Report

OTP

Amendments Adopted

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.