

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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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

LD 1394

An Act To Impose Penalties for Certain Transfers of Assets at Less Than Fair Market Value by Individuals Receiving Long-term Care Services

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS ROSEN R	ONTP	

This bill requires the Department of Health and Human Services to impose an asset transfer penalty, with a lookback period of 60 months, on a person seeking to qualify for MaineCare funding and support of any long-term care services, and who has made a transfer or other disposal of assets at less than fair market value. See related provision in biennial budget, Public Law 2011, chapter 380, Part MM.

LD 1406

An Act Regarding the Scope of Services That May Be Provided by Pharmacies Owned by Hospitals

**MINORITY
(ONTP) REPORT**

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

This bill provides that a pharmacy that is owned by and located in a hospital may dispense prescription drugs to a person who is a patient in that hospital and to a person who is receiving health care services in a nursing facility or a long-term care facility that is affiliated with that hospital. It clarifies that the definition of "pharmacy" in the Maine Pharmacy Act does not include a hospital pharmacy.

Committee Amendment "A" (S-161)

This amendment, which is the majority report of the committee, clarifies language regarding the scope of services of a hospital pharmacy by allowing the pharmacy to dispense prescription drugs to active and retired hospital employees and hospital staff members and to their dependents and making technical changes. The amendment removes from the bill mention of long-term care facilities and affiliates of a hospital.

LD 1407

An Act To Establish the Maine Wild Mushroom Harvesting Certification Program

PUBLIC 412

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY	OTP-AM	S-306

This bill provides a mechanism for persons who harvest, broker and sell wild mushrooms to obtain appropriate certification in safe identification and handling of wild harvested mushrooms. This bill establishes a mechanism for the Department of Health and Human Services to certify duly qualified individuals as trained in the field of wild mushroom harvesting. The bill requires the Commissioner of Health and Human Services to decide whether to certify individuals based upon the recommendations of the Maine Wild Mushroom Harvesting Advisory Committee, which is created in the bill and whose members include representatives from the Department of Health and Human