

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

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

**STAFF:**

JANE ORBETON, SENIOR ANALYST  
ANNA BROOME, LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670  
&  
CHRIS NOLAN  
OFFICE OF FISCAL AND PROGRAM REVIEW  
5 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1635

**MEMBERS:**

SEN. EARLE L. MCCORMICK, CHAIR  
SEN. NICHI S. FARNHAM  
SEN. MARGARET M. CRAVEN  
  
REP. MEREDITH N. STRANG BURGESS, CHAIR  
REP. LESLIE T. FOSSEL  
REP. RICHARD S. MALABY  
REP. BETH A. O'CONNOR  
REP. DEBORAH J. SANDERSON  
REP. HEATHER W. SIROCKI  
REP. MARK W. EVES  
REP. MATTHEW J. PETERSON  
REP. LINDA F. SANBORN  
REP. PETER C. STUCKEY

STATE OF MAINE  
125<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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***

**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

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

Services, the Department of Agriculture, Food and Rural Resources, a statewide mycological association, a statewide restaurant association, a northern New England poison control center and the University of Maine and of the wild mushroom foragers and brokers community and the retail food industry, including a food wholesaler and a food preparer. The Department of Health and Human Services is required to provide staff assistance to the advisory committee and establish a fund to defray the costs of training, examining and certifying wild mushroom harvesters.

### **Committee Amendment "B" (S-306)**

This amendment amends the bill by requiring the Governor to appoint one representative of wild mushroom foragers and one representative of wild mushroom brokers to the Maine Wild Mushroom Harvesting Advisory Committee. The bill requires the Governor to appoint two representatives of the wild mushroom foragers and brokers community. The amendment also clarifies that certain members of the committee are appointed by the Governor. The amendment reduces the fee to a maximum of \$20 and allows it to be imposed no more than once every five years. The amendment also adds an appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2011, chapter 412 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. The law 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 law 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, whose members include representatives from the Department of Health and Human Services, the Department of Agriculture, Food and Rural Resources, a statewide mycological association, a statewide restaurant association, a northern New England poison control center and the University of Maine and of the wild mushroom foragers and brokers community and the retail food industry, including a food wholesaler and a food preparer. The Department of Health and Human Services is required to provide staff assistance to the advisory committee and establish a fund to defray the costs of training, examining and certifying wild mushroom harvesters. The law provides a maximum fee of \$20, once every five years.

### **LD 1429    An Act To Amend the Laws Governing Prescription Monitoring Information**

**PUBLIC 218**

Sponsor(s)

MARTIN J

Committee Report

OTP

Amendments Adopted

This bill allows the Department of Health and Human Services, Office of Substance Abuse to share prescription monitoring information with another state if the state has provisions consistent with prescription monitoring information provisions in Maine law and the office enters into a prescription monitoring information sharing agreement with the other state.

### **Enacted Law Summary**

Public Law 2011, chapter 218 allows the Department of Health and Human Services, Office of Substance Abuse to share prescription monitoring information with another state if the state has provisions consistent with prescription monitoring information provisions in Maine law and the office enters into a prescription monitoring information sharing agreement with the other state.