

# 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***

**LD 1485 An Act To Promote Transparency in the Medicaid Reimbursement Process**

**PUBLIC 323**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| FOSEL             | OTP-AM                  | H-349                     |

This bill requires the Department of Health and Human Services, office of MaineCare services to establish a 60-day written comment period on any proposed change to the state maximum allowable cost list if the change results in a reduction in payment to pharmacies. The office of MaineCare services is required to prepare an annual report that summarizes the number of drugs affected by such changes and the percentage change in payment for those drugs that resulted from changes to the list during the calendar year and submit that report annually by December 31st to the joint standing committee of the Legislature having jurisdiction over health and human services matters. The Department of Health and Human Services, office of MaineCare services is required to amend its rules to implement the provisions of this bill.

**Committee Amendment "A" (H-349)**

This amendment shortens the written comment period on proposed changes to the state maximum allowable cost list that will result in reductions in payments to pharmacies from 60 days, as in the bill, to 17 days. It changes the provision of the bill that prohibits such a change from taking effect until 90 days after the Department of Health and Human Services has completed its response to written comments to provide that such a change may not take effect for at least 30 days and not until 30 days after the department has completed its response.

**Enacted Law Summary**

Public Law 2011, chapter 323 requires the Department of Health and Human Services, office of MaineCare services to establish a 17-day written comment period on any proposed change to the state maximum allowable cost list if the change results in a reduction in payment to pharmacies. The office of MaineCare services is required to prepare an annual report that summarizes the number of drugs affected by such changes and the percentage change in payment for those drugs that resulted from changes to the list during the calendar year and submit that report annually by December 31st to the joint standing committee of the Legislature having jurisdiction over health and human services matters. The Department of Health and Human Services, office of MaineCare services is required to amend its rules to implement the provisions of this bill.

**LD 1486 An Act To Amend the Laws Concerning the Child Care Advisory Council and the Maine Children's Growth Council**

**PUBLIC 388**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| STUCKEY<br>ALFOND | OTP                     | H-593 STRANG BURGESS      |

This bill makes changes to the quorum rules, staffing and reporting duties of the Maine Children's Growth Council and makes changes to the membership of and requirements regarding notice and conduct of and attendance at meetings of the Child Care Advisory Council.

**House Amendment "A" (H-593)**

This amendment changes the proposed new representative of unionized family child care providers on the Child

*Joint Standing Committee on Health and Human Services*

Care Advisory Council to a representative of home-based child care providers appointed by the Governor.

**Enacted Law Summary**

Public Law 2011, chapter 388 makes changes to the quorum rules, staffing and reporting duties of the Maine Children's Growth Council and makes changes to the membership of and requirements regarding notice and conduct of and attendance at meetings of the Child Care Advisory Council. The law adds to the Child Care Advisory Council a representative of home-based child care providers appointed by the Governor.

**LD 1487 An Act To Assist Maine Pharmacies**

**ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| BECK<br>BRANNIGAN | ONTP                    |                           |

This bill establishes the Prescription Drug Practices Act. It requires all pharmacy benefits managers operating in the State to acquire a certificate of authority to be issued by the Department of Professional and Financial Regulation, Bureau of Insurance. It establishes compliance and disclosure requirements for pharmacy benefits managers and prohibits certain practices by pharmacy benefits managers.

**LD 1490 An Act To Amend the Laws Regarding Custody of the Remains of Deceased Persons**

**PUBLIC 387**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| CAIN<br>RECTOR    | OTP-AM                  | H-596                     |

This bill establishes an order of priority for the custody and control of the remains of a deceased person. If a person has been charged with murder or the type of manslaughter in which the person intentionally or knowingly causes the death of another, that person forfeits the right to custody and control of the remains of a deceased person. Upon the dismissal of the charges or acquittal of the person, the person resumes the position of priority granted under the law. The bill authorizes certain actions by funeral directors, cemeteries and crematories, including sheltering the remains during the pendency of a dispute over custody and control, and provides certain protections to funeral directors, cemeteries and crematories.

**Committee Amendment "A" (H-596)**

This amendment makes technical changes to the bill by including practitioners of funeral service and changes "funeral service agreement" to "statement of funeral goods and services." The amendment removes reference to a person who refuses to take financial responsibility and adds authorization for a funeral director or practitioner of funeral services to act in the case of abandonment of the remains of a deceased person or a dead body.

**Enacted Law Summary**

Public Law 2011, chapter 387 establishes an order of priority for the custody and control of the remains of a deceased person. If a person has been charged with murder or the type of manslaughter in which the person intentionally or knowingly causes the death of another, that person forfeits the right to custody and control of the remains of a deceased person. Upon the dismissal of the charges or acquittal of the person, the person resumes the position of priority granted under the law. The law authorizes certain actions by funeral directors and practitioner of