

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

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 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 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

Joint Standing Committee on Health and Human Services

funeral service, 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. The law authorizes 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.

LD 1501 Resolve, To Reduce Opioid Overprescription, Overuse and Abuse

RESOLVE 81

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HINCK CRAVEN	OTP-AM	H-542

This bill establishes protocols for the health care provider community to follow in prescribing opioid drugs for chronic noncancer pain. It includes provisions on physical examinations, health records, periodic review of patient health and consultations with and referrals to pain management specialists. It requires the Department of Health and Human Services to review and evaluate the efficacy of comprehensive pain management, including physical therapy and cognitive behavioral therapy, and report back to the Joint Standing Committee on Health and Human Services no later than December 7, 2011.

Committee Amendment "A" (H-542)

The amendment replaces the bill with a resolve establishing a work group to be convened by the Substance Abuse Services Commission to review and make recommendations on treatment for chronic noncancer-related pain to the Joint Standing Committee on Health and Human Services not later than December 1, 2011.

Enacted Law Summary

Resolve 2011, chapter 81 establishes a work group, to be convened by the Substance Abuse Services Commission, to review and make recommendations on treatment for chronic noncancer-related pain to the Joint Standing Committee on Health and Human Services not later than December 1, 2011.

**LD 1504 Resolve, To Ensure a Strong Start for Maine's Infants and Toddlers by
Extending the Reach of High-quality Home Visitation**

RESOLVE 77

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY RAYE	OTP-AM	H-348

This resolve directs the Department of Health and Human Services to develop a plan for the full use of federal, private and special revenue funds for home visitation programs or services, with an emphasis on serving infants who are at risk due to physical, emotional, developmental or environmental factors, and to report to the Joint Standing Committee on Health and Human Services. The committee may report out a bill in 2012 on the department's progress in ensuring improved health outcomes, reduced costs to taxpayers and enhanced future productivity through these efforts.

Committee Amendment "A" (H-348)

This amendment changes references to "at-risk infants and toddlers" and "at-risk families" to "vulnerable families in at-risk communities."

Enacted Law Summary