

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON HEALTH AND HUMAN
SERVICES**

June 2012

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:

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STATE OF MAINE

125TH LEGISLATURE
SECOND 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 Second 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.

| | |
|---|--|
| <i>CARRIED OVER</i> | <i>carried over to a subsequent session of the Legislature</i> |
| <i>CON RES XXX</i> | <i>chapter # of constitutional resolution passed by both houses</i> |
| <i>CONF CMTE UNABLE TO AGREE</i> | <i>Committee of Conference unable to agree; legislation died</i> |
| <i>DIED BETWEEN HOUSES</i> | <i>House & Senate disagreed; legislation died</i> |
| <i>DIED IN CONCURRENCE</i> | <i>defeated in each house, but on different motions; legislation died</i> |
| <i>DIED ON ADJOURNMENT</i> | <i>action incomplete when session ended; legislation died</i> |
| <i>EMERGENCY</i> | <i>enacted law takes effect sooner than 90 days after session adjournment</i> |
| <i>FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE</i> | <i>emergency failed to receive required 2/3 vote</i> |
| <i>FAILED, ENACTMENT or FINAL PASSAGE</i> | <i>failed to receive final majority vote</i> |
| <i>FAILED, MANDATE ENACTMENT</i> | <i>legislation proposing local mandate failed required 2/3 vote</i> |
| <i>HELD BY GOVERNOR</i> | <i>Governor has not signed; final disposition to be determined at subsequent session</i> |
| <i>LEAVE TO WITHDRAW</i> | <i>sponsor's request to withdraw legislation granted</i> |
| <i>NOT PROPERLY BEFORE THE BODY</i> | <i>ruled out of order by the presiding officer; legislation died</i> |
| <i>INDEF PP</i> | <i>indefinitely postponed; legislation died</i> |
| <i>ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X</i> ... | <i>ought-not-to-pass report accepted; legislation died</i> |
| <i>P&S XXX</i> | <i>chapter # of enacted private & special law</i> |
| <i>PUBLIC XXX</i> | <i>chapter # of enacted public Law</i> |
| <i>RESOLVE XXX</i> | <i>chapter # of finally passed resolve</i> |
| <i>VETO SUSTAINED</i> | <i>Legislature failed to override Governor's veto</i> |

The effective date for non-emergency legislation enacted in the Second Regular Session of the 125th Legislature is Thursday, August 30, 2012. 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 1626 An Act To Clarify the Authority of the Department of Health and Human Services To Impose Administrative Sanctions upon Vendors, Providers and Participants in the Women, Infants and Children Special Supplemental Food Program

PUBLIC 512

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| MCCORMICK | OTP-AM | S-404 |

This bill clarifies that the Department of Health and Human Services has the authority to impose fines or penalties upon Women, Infants and Children Special Supplemental Food Program vendors, disqualify local agency providers and require repayment from participants or disqualify participants from program benefits for violation of program laws or rules. This authority is consistent with federal statutes and regulations. The department is required to adopt routine technical rules to define prohibited conduct and to establish penalties for such conduct.

Committee Amendment "A" (S-404)

This amendment adds to the bill a citation to another section of the Code of Federal Regulations to ensure an opportunity for a hearing in making a determination that a vendor, provider or participant has violated a provision of the Women, Infants and Children Special Supplemental Food Program.

Enacted Law Summary

Public Law 2011, chapter 512 clarifies that the Department of Health and Human Services has the authority to impose fines or penalties upon Women, Infants and Children Special Supplemental Food Program vendors, disqualify local agency providers and require repayment from participants or disqualify participants from program benefits for violation of program laws or rules. The department is required to adopt routine technical rules to define prohibited conduct and to establish penalties for such conduct.

LD 1627 An Act Regarding the Filing of Birth, Death and Marriage Data

PUBLIC 511

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| MCCORMICK | OTP-AM | S-419 |

This bill expedites electronic filing of vital records and protects persons named in vital records from identity theft and fraud by closing to public inspection filed notices of intentions to marry for the same time frame that marriage certificates are closed, except for the names of the persons who intend to marry and the intended date of marriage. The bill helps align state law regarding the delayed filing of records with the requirements of the Federal Government.

Committee Amendment "A" (S-419)

This amendment allows a researcher engaged in genealogical research who holds a researcher identification card under the Maine Revised Statutes, Title 22, section 2706, subsection 8 to have access to applications recording intentions to marry and permits a custodian of those applications to issue a noncertified copy of an application to a researcher.

Joint Standing Committee on Health and Human Services

Enacted Law Summary

Public Law 2011, chapter 511 expedites electronic filing of vital records and helps align state law regarding the delayed filing of records with the requirements of the Federal Government. It closes to public inspection applications recording notice of intention to marry for the same time frame that marriage certificates are closed. The names of the persons who intend to marry and the intended date of marriage continue to be public and a researcher engaged in genealogical research with a researcher identification card continues to have access to applications.

LD 1628 An Act To Limit Payment for Care and Treatment of Residents of State Institutions PUBLIC 674

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|--------------------------|---------------------------|
| MCCORMICK | OTP-AM MAJ OTP-AM MIN | S-468 |

This bill limits the amount that a provider may charge the State for medical services provided to a resident of a state institution outside of the state institution. The amount is restricted to the amount established by the rules of the Department of Health and Human Services for the MaineCare program for those services. The bill also removes references to the Homestead facility, which closed in 2007.

Committee Amendment "A" (S-468)

This amendment, which is the majority report of the committee, sets a reimbursement rate for medical services provided to a resident of a state institution off the premises of the state institution at the level of Medicare rather than at the rates set by the Department of Health and Human Services for the MaineCare program. It also adds an appropriations and allocations section to the bill.

Committee Amendment "B" (S-469)

This amendment, which is the minority report of the committee, limits the amount that the Commissioner of Health and Human Services may pay a provider for medical services provided to a resident of a state institution off the premises of the state institution to the amount payable under insurance, including Medicare, for residents that have insurance; to the amount established by rule by the Department of Health and Human Services under the MaineCare program, divided by 75% for physicians and hospitals other than critical access hospitals; or to the MaineCare rate for all other providers. It also adds an appropriations and allocations section to the bill.

This amendment was not adopted.

Enacted Law Summary

Public Law 2011, chapter 674 limits the amount that a provider may charge the State for medical services provided to a resident of a state institution outside of the state institution to the level of Medicare reimbursement. It also removes from statute references to the Homestead facility, which closed in 2007.

**LD 1629 An Act To Allow for a Contingency Fee Agreement with a MaineCare Program Integrity Recovery Audit Contractor PUBLIC 593
EMERGENCY**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| MCCORMICK | OTP-AM MAJ ONTP MIN | S-470 |