

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

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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

by December 1, 2012.

LD 1705 Resolve, To Create the Task Force on the Prevention of Sexual Abuse of Children

**RESOLVE 162
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKER RAYE	OTP-AM	H-796 S-571 COURTNEY

This resolve establishes the Task Force on the Prevention of Sexual Abuse of Children, which is directed to research issues regarding child sexual abuse in Maine and to adopt policies to address those issues. The policies may include age-appropriate curricula for schoolchildren from prekindergarten to grade 5 and methods to increase teacher, student and parent awareness of the issues regarding child sexual abuse. The task force is also directed to submit a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters, and the joint standing committee is authorized to submit legislation to the First Regular Session of the 126th Legislature based on that report.

Committee Amendment "A" (H-796)

This amendment changes the composition of the Task Force on the Prevention of Sexual Abuse of Children and increases membership to 13 members. It changes the task force duties to clarify that the task force is directed to make recommendations to prevent and address child sexual abuse.

Senate Amendment "A" (S-571)

This amendment revises the language regarding compensation. Under this amendment, legislative members of the task force receive per diem and expenses in accordance with the Joint Rules.

Enacted Law Summary

Resolve 2011, chapter 162 establishes the Task Force on the Prevention of Sexual Abuse of Children. The resolve directs the task force to research issues regarding child sexual abuse in Maine and to recommend policies to address those issues. The policies may include age-appropriate curricula for schoolchildren from prekindergarten to grade 5 and methods to increase teacher, student and parent awareness of the issues regarding child sexual abuse. The task force is also directed to submit a report by November 7, 2012, to the joint standing committee of the Legislature having jurisdiction over health and human services matters, and the joint standing committee is authorized to submit legislation to the First Regular Session of the 126th Legislature based on that report.

Resolve 2011, chapter 162 was passed as an emergency measure effective April 21, 2012.

LD 1714 An Act To Restrict Further the Amount of Methamphetamine Precursors That May Be Bought or Sold

PUBLIC 584

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WILLETTE A MCCORMICK	OTP-AM	H-822

This bill amends the current restrictions on the sale of a targeted methamphetamine precursor to limit sales to 3.6 grams per day and 9 grams per 30 days. It also places the same restrictions on purchases.

Joint Standing Committee on Health and Human Services

The bill requires a purchaser to present a valid identification to the retailer and requires the retailer to record the name and address of the purchaser, the name and quantity of targeted methamphetamine precursor purchased, the date and time of the purchase and the form of identification presented. The retailer is required to maintain a logbook, and the purchaser must sign the logbook. The bill makes it a Class E crime to sell more than 3.6 grams per day and 9 grams per 30 days of a targeted methamphetamine precursor.

The bill requires beginning January 1, 2013, a retailer to, before completing a sale, electronically submit information about the sale and the person purchasing a targeted methamphetamine precursor to a real-time electronic logging system that tracks sales of over-the-counter cold and allergy medications containing a targeted methamphetamine precursor.

The bill provides that a retailer is immune from any civil liability if the sale was made in good faith.

The bill provides that the law regarding targeted methamphetamine precursors supersedes any local, municipal or county ordinance regulating sales of cold and allergy medications containing a targeted methamphetamine precursor.

The bill also requires the Maine Board of Pharmacy to select a real-time electronic logging system and by December 1, 2012, to notify retailers of the system.

Committee Amendment "A" (H-822)

This amendment replaces the bill. The amendment retains the original intent of the bill to replace current restrictions on the sale of a targeted methamphetamine precursor and to limit sales to 3.6 grams per person per day and 9 grams per person per 30 days to comply with federal law. It also places the same restrictions on purchases. The amendment requires the electronic logging system to block illegal sales, subject to override if the seller has a concern for personal safety if the sale is not made. The amendment exempts from the electronic logging system a retailer who does not have access to the Internet. The amendment provides a presumption of good faith for the retailer in a civil proceeding in which use of the electronic logging system is an issue. The amendment requires the Department of Public Safety, Maine Drug Enforcement Agency to select a real-time electronic logging system by August 1, 2012, and by September 1, 2012, to notify retailers of the system.

Enacted Law Summary

Public Law 2011, chapter 584 replaces current restrictions on the sale of a targeted methamphetamine precursor and limits sales to 3.6 grams per person per day and 9 grams per person per 30 days to comply with federal law. The law also places the same restrictions on purchases. The law requires the electronic logging system to block illegal sales, subject to override if the seller has a concern for personal safety if the sale is not made. The law exempts from the electronic logging system a retailer who does not have access to the Internet. The law provides a presumption of good faith for the retailer in a civil proceeding in which use of the electronic logging system is an issue. The law requires the Department of Public Safety, Maine Drug Enforcement Agency to select a real-time electronic logging system by August 1, 2012, and by September 1, 2012, to notify retailers of the system.

**LD 1743 Resolve, Regarding Legislative Review of Portions of Chapter 270:
Uniform Reporting System for Quality Data Sets, a Major Substantive
Rule of the Maine Health Data Organization**

**RESOLVE 124
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP