

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

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

Joint Standing Committee on Health and Human Services

This resolve provides for legislative review of portions of Chapter 270: Uniform Reporting System for Quality Data Sets, a major substantive rule of the Maine Health Data Organization.

Enacted Law Summary

Resolve 2011, chapter 124 provides legislative approval for major substantive rules submitted by the Maine Health Data Organization.

Resolve 2011, chapter 124 was finally passed as an emergency measure effective March 14, 2012.

LD 1811 Resolve, Directing the Department of Health and Human Services To ONTP
Review Reimbursement for Prescription Drugs under the MaineCare
Program

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J SHERMAN	ONTP	

This resolve requires the Commissioner of Health and Human Services to undertake a full review of the rules governing reimbursement for prescription drugs under the MaineCare program, including a review of the MaineCare reimbursement rates for prescription drugs purchased in retail pharmacies and for prescription drugs purchased by mail order. The commissioner is directed to submit a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than December 15, 2012, and the joint standing committee is authorized to submit a bill to the First Regular Session of the 126th Legislature.

LD 1812 Resolve, Directing the Department of Health and Human Services To RESOLVE 155
Submit an Application for a Waiver from the United States Department
of Agriculture

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARVELL COURTNEY	OTP-AM MAJ ONTP MIN	H-817

This resolve requires the Department of Health and Human Services to amend its rules governing the electronic benefits transfer system to provide that a person must show photographic identification in order to use an electronic benefits transfer card that is drawing on the person's food supplement benefit account unless the card user is known to the person accepting the card for payment.

Committee Amendment "A" (H-817)

This amendment, which is the majority report of the committee, replaces the resolve. It requires the Department of Health and Human Services to submit an application for a waiver from the requirements of federal law and regulations to the United States Department of Agriculture. The waiver must seek approval for the Department of Health and Human Services to amend its rules to require a person to show photographic identification in order to use an electronic benefits transfer card when it is requested in an establishment that accepts Supplemental Nutritional Assistance Program benefits. The Department of Health and Human Services is required to seek the waiver by October 1, 2012. The Department of Health and Human Services is also required to continue to develop strategies to combat fraud and abuse in the use of electronic benefits transfer cards in the Supplemental Nutritional Assistance Program and report its progress in developing new strategies to the joint standing committee of the Legislature