

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

STATE OF MAINE  
125<sup>TH</sup> 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:**

SEN. EARLE L. MCCORMICK, CHAIR  
SEN. NICHI S. FARNHAM  
SEN. MARGARET M. CRAVEN  
  
REP. MEREDITH N. STRANG BURGESS, CHAIR  
REP. LESLIE T. FOSSEL  
REP. RICHARD S. MALABY  
REP. BETH A. O'CONNOR  
REP. DEBORAH J. SANDERSON  
REP. HEATHER W. SIROCKI  
REP. MARK W. EVES  
REP. MATTHEW J. PETERSON  
REP. LINDA F. SANBORN  
REP. PETER C. STUCKEY

# STATE OF MAINE

125<sup>TH</sup> 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 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.

<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 &amp; 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&amp;S XXX</i> .....	<i>chapter # of enacted private &amp; 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 125<sup>th</sup> 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**

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 Review Reimbursement for Prescription Drugs under the MaineCare Program      ONTP**

<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 Submit an Application for a Waiver from the United States Department of Agriculture      RESOLVE 155**

<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

***Joint Standing Committee on Health and Human Services***

having jurisdiction over health and human services matters by December 1, 2012.

**Enacted Law Summary**

Resolve 2011, chapter 155 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 having jurisdiction over health and human services matters by December 1, 2012.

**LD 1813     An Act To Amend the Laws Governing Confidentiality of Health Care Information**

**PUBLIC 572  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-797

This bill is the report of the Joint Standing Committee on Health and Human Services pursuant to Joint Order H.P. 1328. It amends the law regarding confidentiality of health care information to allow health care practitioners or facilities to report to federal, state or local governmental entities if an alleged crime has been committed on the premises. Federal Health Insurance Portability and Accountability Act of 1996 regulations allow for disclosure if a practitioner or a facility believes a crime has been committed on the premises. This bill amends the state law to be consistent with federal law.

**Committee Amendment "A" (H-797)**

This amendment replaces the bill. It replaces the language from the bill with language that mirrors the federal Health Insurance Portability and Accountability Act of 1996 regulations in 45 Code of Federal Regulations, Section 164.512(f)(5). It also adds an emergency preamble and emergency clause.

**Enacted Law Summary**

Public Law 2011, chapter 572 amends the law regarding confidentiality of health care information to allow health care practitioners or facilities to report to federal, state or local governmental entities if an alleged crime has been committed on the premises. Federal Health Insurance Portability and Accountability Act of 1996 regulations allow for disclosure if a practitioner or a facility believes a crime has been committed on the premises. This law amends the state law to be consistent with federal law.

Public Law 2011, chapter 572 was enacted as an emergency measure effective March 30, 2012.