

# MAINE STATE LEGISLATURE

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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

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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 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***

Public Law 2011, chapter 587 amends the Maine Wild Mushroom Harvesting Certification Program as follows.

1. The law removes from the duties of the Maine Wild Mushroom Harvesting Advisory Committee the development and delivery of training courses and the identification of technical and educational advisors.
2. The law specifies that the Maine Wild Mushroom Harvesting Advisory Committee members serve on a voluntary basis and conforms their duties to within the scope of the Department of Health and Human Services.
3. The law repeals the Wild Mushroom Harvesting Fund and specifies that revenues from certification application fees are payable into a special revenue account dedicated to a health inspection program within the department.
4. The law specifies that certification for mushroom harvesting, brokering or selling is issued to applicants based on completion of department-approved training.

**LD 1829      An Act To Require Photographic Identification for Prescriptions for      ONTP**  
**Certain Controlled Substances**

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

This bill is a recommendation from the Substance Abuse Services Commission's work group convened pursuant to Resolve 2011, chapter 81 and is reported out by the Joint Standing Committee on Health and Human Services pursuant to Joint Order 2011, H.P. 1328. This bill requires a pharmacist or person acting at the direction of a pharmacist to demand, inspect and record proof of identification before filling a prescription for a controlled substance. For the purposes of this bill, "controlled substance" means a drug or other substance included in schedules II, III or IV of 21 United States Code, Section 812 or 21 Code of Federal Regulations, Section 1308.

**LD 1840      An Act To Limit MaineCare Reimbursement for Methadone Treatment      DIED ON**  
**ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS DC THIBODEAU	OTP-AM MAJ OTP-AM MIN	H-912

This bill proposes to limit MaineCare reimbursement for methadone for the treatment of addiction to opiates to a lifetime maximum of 24 months, effective January 1, 2013. The bill authorizes reimbursement for longer than 24 months if the Department of Health and Human Services provides prior authorization. The bill proposes to limit services to the clinic closest to the home of the member. The bill requires the department to review the options to restrict transportation services reimbursement for methadone treatment under the MaineCare program to encourage efficient use of transportation services and to discourage and penalize fraud. The review must include a study of limitations based on one-way or round-trip reimbursement and a requirement to use the provider whose office is the closest to the MaineCare member's home. The department is required to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by December 15, 2012, on the department's findings and recommendations as a result of the review.

**Committee Amendment "A" (H-912)**

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

This amendment is the majority report of the committee. The amendment removes from the bill the requirement that methadone services reimbursed under the MaineCare program be accessed at the clinic closest to the home of the MaineCare member. The amendment removes from the bill the directive to the Department of Health and Human Services to review MaineCare transportation services because a similar directive was included by the committee in the committee amendment to LD 1694, which was enacted as Resolve 2011, chapter 142. The amendment adds to the routine technical rulemaking a requirement that the Department of Health and Human Services seek input for the prior authorization rules from stakeholders and experts in the field of substance abuse addiction and recovery, including, but not limited to, representatives of the Office of Substance Abuse and individuals with expertise in medication-assisted treatment. This amendment adds an appropriations and allocations section.

### **Committee Amendment "B" (H-913)**

This amendment is the minority report of the committee. The amendment removes from the bill the requirement that methadone services reimbursed under the MaineCare program be accessed at the clinic closest to the home of the MaineCare member. The amendment removes from the bill the directive to the Department of Health and Human Services to review MaineCare transportation services because a similar directive was included by the committee in the committee amendment to LD 1694. The amendment changes the rulemaking to major substantive rules and adds a requirement that the Department of Health and Human Services seek input for the prior authorization rules from stakeholders and experts in the field of substance abuse addiction and recovery, including, but not limited to, representatives of the Office of Substance Abuse and individuals with expertise in medication-assisted treatment. The amendment restores the \$10 per week rate cut to methadone clinics enacted in Public Law 2011, chapter 477, and provides funding for services to persons with intellectual disabilities. The amendment also adds an appropriations and allocations section.

This bill was not enacted. The provisions of the bill, as amended by the majority, were included in the second DHHS supplemental budget, LD 1746, which was enacted as Public Law 2011, chapter 657, Part S.

**LD 1845     An Act To Implement the Recommendations of the Department of  
Health and Human Services and the Maine Developmental Disabilities  
Council Regarding Respectful Language**

**PUBLIC 542  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This bill is the report of the Joint Standing Committee on Health and Human Services. Part A of this bill implements the recommendations of the Department of Health and Human Services and the Maine Developmental Disabilities Council regarding respectful language developed pursuant to Public Law 2011, chapter 186, Part B and makes other minor technical amendments to those statutory provisions to conform them to current drafting standards.

Part B renames certain programs within the Department of Health and Human Services. It also directs the department, when adopting or amending its rules and when developing, publishing and issuing forms, policies and publications, to replace references to "mental retardation" and "mentally retarded" with references to "intellectual disability" and "person with an intellectual disability" and to ensure that language referring to persons with disabilities is consistent with the recommendations of the respectful language working group contained in the report submitted by the Maine Developmental Disabilities Council to the Joint Standing Committee on Health and Human Services pursuant to Resolve 2007, chapter 62.

### **Enacted Law Summary**

Public Law 2011, chapter 542 does the following.