

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

on targeted uses of fund money to the Commissioner of Administrative and Financial Services and provides for an annual report to the Legislature. It places in law review by the joint standing committee of the Legislature having jurisdiction over health and human services matters of legislative proposals affecting the fund, which review is currently in effect through Joint Rule 317.

LD 1886 Resolve, Directing Review of Strategies To Improve Communication between Patients and Physicians

RESOLVE 159

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| HAYES LANGLEY | OTP-AM MAJ ONTP MIN | H-905 |

This bill requires mammography reports or other information provided to patients to include information regarding breast density.

Committee Amendment "A" (H-905)

This amendment is the majority report of the committee. The amendment replaces the bill with a resolve that directs the Department of Health and Human Services, Maine Center for Disease Control and Prevention, in conjunction with the Maine Medical Association, to convene a broadly representative work group to review strategies to improve the dialogue between patients and physicians regarding breast density and breast imaging options and report with recommendations to the joint standing committee of the Legislature having jurisdiction over health and human services matters by December 7, 2012.

Enacted Law Summary

Resolve 2011, chapter 159 directs the Department of Health and Human Services, Maine Center for Disease Control and Prevention, in conjunction with the Maine Medical Association, to convene a broadly representative work group to review strategies to improve the dialogue between patients and physicians regarding breast density and breast imaging options and report with recommendations to the joint standing committee of the Legislature having jurisdiction over health and human services matters by December 7, 2012.

LD 1887 An Act To Restructure the Department of Health and Human Services

**DIED ON
ADJOURNMENT**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| MCCORMICK | OTP-AM MAJ ONTP MIN | S-533 |

This bill restructures the Department of Health and Human Services. The bill does not eliminate the duties and functions of those organizational units eliminated in the bill; under the bill, the department and the Commissioner of Health and Human Services are directed to carry out those duties and functions.

Part A eliminates as a separate and distinct office the Office of Substance Abuse.

Part B eliminates as a separate and distinct office the Office of Elder and Adult Services.

Part C eliminates as a separate and distinct office the Office of Adults with Cognitive and Physical Disabilities.

Joint Standing Committee on Health and Human Services

Part D eliminates as a separate and distinct office the Office of Adult Mental Health Services.

Part E eliminates the Office of Advocacy and directs the department to contract with an agency to provide services to individuals with intellectual disabilities and autism.

Part F directs the commissioner to review the current organizational structure, systems and operations of the department and restructure the department in order to improve and streamline services. Part F also requires the commissioner and the State Budget Officer to provide a report to the joint standing committees of the Legislature having jurisdiction over health and human services matters and appropriations and financial affairs outlining the progress towards the new organizational structure and any transferred amounts.

Part G makes appropriations and allocations to support this restructuring and authorizes the State Budget Officer to transfer positions, appropriations and allocations between accounts and line categories by financial order upon approval of the Governor.

Committee Amendment "A" (S-533)

This amendment is the majority report of the committee. The amendment clarifies that the authority of the Commissioner of Health and Human Services to restructure the Department of Health and Human Services is limited to actions to achieve the enacted provisions. The amendment corrects errors in the designation of fiscal years, requires the report from the Commissioner of Health and Human Services and the State Budget Officer by December 1, 2012 and requires another report by June 30, 2013. The amendment corrects appropriations and allocations in Part G. The amendment to Part G keeps as departmental personnel the intensive case managers who are connected to correctional facilities. The amendment retains the provisions of the bill that eliminate the positions of departmental personnel who are intensive case managers for adult mental health clients of the department and contract out that service.

This amendment also amends certain sections of the bill to incorporate changes to the laws in Public Law 2011, chapters 477 and 542.

Senate Amendment "A" To Committee Amendment "A" (S-541)

This amendment restores 21 positions in the Mental Health Services - Community program and restores 4 positions associated with the restructuring of the Department of Health and Human Services, Office of Substance Abuse and Office of Adult Mental Health Services.

House Amendment "A" To Committee Amendment "A" (H-934)

This amendment restores 21 positions in the Mental Health Services - Community program and restores 4 positions associated with the restructuring of the Department of Health and Human Services, Office of Substance Abuse and Office of Adult Mental Health Services.

This bill was not enacted. The provisions of the bill were included in the second DHHS supplemental budget, LD 1746, enacted as Public Law 2011, chapter 657, Parts AA to FF.

**LD 1888 An Act To Strengthen the State's Ability To Investigate and Prosecute
Misuse of Public Benefits**

PUBLIC 687

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|--------------------------|---------------------------|
| MCCORMICK | OTP-AM MAJ OTP-AM MIN | S-542 S-608 ROSEN R |