

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
126<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**

May 2014

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**STATE OF MAINE**  
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**LEGISLATIVE DIGEST OF BILL SUMMARIES AND**  
**ENACTED LAWS**

The *Digest* is arranged 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.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

*CARRIED OVER*.....carried over to a subsequent session of the Legislature  
*CON RES XXX* ..... chapter # of constitutional resolution passed by both houses  
*CONF CMTE UNABLE TO AGREE*..... Committee of Conference unable to agree; legislation died  
*DIED BETWEEN HOUSES* .....House & Senate disagreed; legislation died  
*DIED IN CONCURRENCE* ..... defeated in each house, but on different motions; legislation died  
*DIED ON ADJOURNMENT* ..... action incomplete when session ended; legislation died  
*EMERGENCY* .....enacted law takes effect sooner than 90 days after session adjournment  
*FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE*.....emergency failed to receive required 2/3 vote  
*FAILED, ENACTMENT or FINAL PASSAGE*..... failed to receive final majority vote  
*FAILED, MANDATE ENACTMENT*.....legislation proposing local mandate failed required 2/3 vote  
*HELD BY GOVERNOR*..... Governor has not signed; final disposition to be determined at subsequent session  
*LEAVE TO WITHDRAW*.....sponsor's request to withdraw legislation granted  
*NOT PROPERLY BEFORE THE BODY*.....ruled out of order by the presiding officer; legislation died  
*INDEF PP*..... indefinitely postponed; legislation died  
*ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X*... ought-not-to-pass report accepted; legislation died  
*P&S XXX*..... chapter # of enacted private & special law  
*PUBLIC XXX* ..... chapter # of enacted public Law  
*RESOLVE XXX* ..... chapter # of finally passed resolve  
*VETO SUSTAINED*.....Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the Second Regular Session of the 126<sup>th</sup> Legislature is August 1, 2014. 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***

**LD 1704     An Act To Increase the Use of Dental Services by MaineCare-eligible Children     ONTP**

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

This bill amends the Maine Revised Statutes, Title 22, section 3174-S to require the Department of Health and Human Services to include in its annual report to the joint standing committee of the Legislature having jurisdiction over health and human services matters the number of MaineCare-eligible children who receive dental services annually and what services they are provided and also to report quarterly to the Commissioner of Health and Human Services the names of MaineCare-eligible children from birth to 20 years of age who are not receiving dental services. The bill directs the Department of Health and Human Services, through the department's office of MaineCare services in cooperation with the dental care community, to design a pilot program to increase the use of dental services by MaineCare-eligible children. The bill also requires the Department of Health and Human Services to submit a report regarding the pilot program to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than November 5, 2014. The joint standing committee may report out a bill to the First Regular Session of the 127th Legislature.

**LD 1717     Resolve, To Support Homeless Youth Shelters     Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN BRIGGS	OTP-AM ONTP	S-414

This bill requires the Department of Health and Human Services to allocate funds available in the Homeless Youth Program based on the proportion of the total amount each geographic region received during fiscal year 2012-13 and prohibits the department from reallocating funds between geographic regions. The bill provides a General Fund appropriation of \$750,000 in fiscal year 2014-15 for the Maine State Housing Authority to provide funding for homeless shelters.

**Committee Amendment "A" (S-414)**

This amendment, which is the majority report of the committee, replaces the bill with a resolve and changes the title. It requires the Department of Health and Human Services to allocate funds available in the Homeless Youth Program proportionately based on the total amount each geographic region received during fiscal year 2012-13 for the fiscal years 2014-15 and 2015-16. It requires any unspent funds from the 2013-14 contract with the now-closed Halcyon House emergency shelter in Skowhegan to be allocated to the New Beginnings emergency shelter in Lewiston as soon as the Department of Health and Human Services determines that all financial obligations of Halcyon House have been satisfied.

**LD 1739     An Act To Amend the Maine Medical Use of Marijuana Act     PUBLIC 516**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION HAMPER	OTP-AM OTP-AM	H-713 H-732 SANDERSON

During the First Regular Session of the 126th Legislature, the Legislature passed six separate laws that affected the Maine Medical Use of Marijuana Act in various ways. The purpose of this bill is to clarify and coordinate those

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

changes, including doing the following:

1. Defining "medical provider" to mean a physician or a certified nurse practitioner and adding a definition of "certified nurse practitioner" in order to authorize a certified nurse practitioner who is a qualifying patient's primary care provider to issue a written certification for the qualifying patient's medical use of marijuana;
2. Defining and prohibiting the use, possession or sale of kief;
3. Clarifying that tinctures containing marijuana are considered food or goods containing marijuana;
4. Clarifying that a medical provider's written certification for the medical use of marijuana expires within one year after issuance;
5. Authorizing disclosure of registered primary caregiver and dispensary information to the Department of Administrative and Financial Services, Maine Revenue Services for taxation compliance purposes;
6. Enacting provisions regarding compliance, including collection of evidence, complaint investigation, penalty and injunctive relief provisions; and
7. Authorizing the Department of Health and Human Services to transport marijuana for laboratory testing and evidence collection purposes.

### **Committee Amendment "A" (H-713)**

This amendment is the majority report of the committee. It makes the following changes to the bill.

1. The amendment removes the requirement that a certified nurse practitioner who may certify medical use of marijuana for a patient must be the patient's primary care provider.
2. The amendment adds to the definition of "prepared marijuana" to include the by-products of leaves and flowers and provides that prepared marijuana does not include hashish.
3. The amendment removes from the bill provisions that change the commissioner with responsibility for best practices in pest management from the Commissioner of Agriculture, Conservation and Forestry to the Commissioner of Health and Human Services.
4. The amendment adds to the provisions on confidentiality in the medical use of marijuana program that the confidentiality provisions do not prevent the Department of Health and Human Services from complying with the Maine Revised Statutes, Title 36, section 175. The amendment strikes from the bill a provision that creates an exception to confidentiality for release by the department to Maine Revenue Services for taxation compliance purposes.
5. The amendment removes from the bill provisions on complaint investigation, penalties, injunctive relief and attorneys' fees and costs. The amendment retains provisions in the bill allowing the department to ensure compliance, including, but not limited to, laboratory testing on soil, marijuana plant samples and samples of products.
6. The amendment directs the Department of Health and Human Services to develop a framework for processing, documenting and investigating complaints concerning the implementation of the Maine Medical Use of Marijuana Act. It directs the department to review mechanisms for processing, documenting and investigating complaints and to report its recommendations to the joint standing committee of the Legislature having jurisdiction over health and human services matters by December 1, 2014. The amendment directs the department to include in its report whether enacting new laws or authorizing new rules, either routine technical or major substantive, is required to

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

implement the recommendations of the department.

### **House Amendment "A" To Committee Amendment "A" (H-732)**

This amendment removes the exclusion of hashish from the definition of "prepared marijuana" as proposed in Committee Amendment "A."

### **Enacted Law Summary**

Public Law 2013, chapter 516 amends the Maine Medical Use of Marijuana Act. The law does the following:

1. It authorizes certified nurse practitioners to certify the medical use of marijuana.
2. It adds to the definition of "prepared marijuana" by-products of the dried leaves and flowers.
3. It authorizes caregivers and dispensaries to prepare tinctures of marijuana.
4. It changes the language on the number of patients who a caregiver may assist from "no more than 5 patients at any one time" to "a maximum of 5 patients who have designated the primary caregiver to cultivate marijuana for their medical use".
5. It authorizes the Department of Health and Human Services to take action necessary to ensure compliance with the medical use of marijuana chapter.
6. It directs the department to develop a framework for processing, documenting and investigating complaints concerning the medical use of marijuana chapter. In so doing, it directs the department to review mechanisms for processing, documenting and investigating and to report its recommendations to the joint standing committee having jurisdictions over health and human services matters by December 1, 2014. It directs the department to include in its report whether new laws or rules are required.

See Public Law 2013, Chapter 595 Part D on taxation issues and Part 1 on oversight and technology and Public Law 2013, Chapter 502 on oversight and technology.

### **LD 1740 An Act To Amend Laws Relating to Health Care Data**

**PUBLIC 528**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY GRATWICK	OTP-AM ONTP	H-733

This bill conforms state law as it relates to the release of protected health information to the restrictions established in federal law and regulations. The bill requires the Maine Health Data Organization to adopt rules for the release of protected health information.

### **Committee Amendment "A" (H-733)**

This amendment makes the following changes to the bill.

1. It adds a definition of "HIPAA," which is the federal Health Insurance Portability and Accountability Act of 1996.
2. The bill amends the definition of "health care information" as it regards hospitals and medical care. The amendment strikes that change and instead inserts those provisions into the definition of "protected health information" for the Maine Health Data Organization.