

MAINE STATE LEGISLATURE

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STATE OF MAINE
127TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON HEALTH AND
HUMAN SERVICES**

August 2015

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STATE OF MAINE

127TH LEGISLATURE
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LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 127th 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. An appendix provides a summary of relevant session statistics.

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 First Regular Session of the 127th Legislature is October 15, 2015. 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 specifies that information disclosed by the Office of the Attorney General for the purposes of the annual report from the Department of Health and Human Services on investigations and prosecutions of false claims made under the MaineCare, Temporary Assistance for Needy Families and food supplement programs on the status of cases must conform to the law on intelligence and investigative record information and may not compromise the investigation or prosecution of a case.

The bill also specifies that the requirements of the bill must be accomplished within the existing resources of the department.

LD 423 An Act To Require Child-resistant Packaging for Nicotine Liquid Containers

PUBLIC 288

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANDERSON JOHNSON	OTP-AM	H-405

This bill prohibits selling, furnishing or giving away a container used to hold any liquid containing nicotine if the container is not child-resistant packaging and prohibits selling, furnishing or giving away a liquid or gel product that contains nicotine unless the product is contained in child-resistant packaging.

Committee Amendment "A" (H-405)

This amendment provides a definition for "electronic nicotine delivery device." It provides that the prohibition in the bill applies only to a nicotine liquid container unless the container is child-resistant packaging. In addition, it directs the Commissioner of Health and Human Services to monitor the status of any effective date of final regulations issued by the United States Food and Drug Administration or by any other federal agency that mandate child-resistant packaging standards for nicotine liquid containers. The commissioner is required to notify the joint standing committee of the Legislature having jurisdiction over health and human services matters when the final regulations have been adopted. Upon receiving this notification, the committee may report out a bill repealing the provisions in this legislation.

Enacted Law Summary

Public Law 2015, chapter 288 prohibits selling, furnishing or giving away a container used to hold any liquid containing nicotine if the container is not child-resistant packaging and prohibits selling, furnishing or giving away a liquid or gel product that contains nicotine unless the product is contained in child-resistant packaging. It creates definitions for "electronic nicotine delivery device" and "nicotine liquid container."

Public Law 2015, chapter 288 directs the Commissioner of Health and Human Services to monitor the status of any effective date of final regulations issued by the United States Food and Drug Administration or by any other federal agency that mandate child-resistant packaging standards for nicotine liquid containers. The commissioner is required to notify the joint standing committee of the Legislature having jurisdiction over health and human services matters when the final regulations have been adopted. Upon receiving this notification, the committee may report out a bill repealing the provisions in this legislation.

LD 433 An Act To Clarify the Liability of Funeral Practitioners

PUBLIC 188

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING BLACK	OTP-AM	S-187

Joint Standing Committee on Health and Human Services

This bill provides immunity from disciplinary action and civil and criminal liability to a funeral director or a practitioner of funeral service who, with respect to the remains of a deceased person, acts in good faith upon the instructions of an individual who misrepresents that individual's custody and control of that deceased person.

Committee Amendment "A" (S-187)

This amendment reallocates the bill's proposed immunity provision to the existing immunity provision for the chapter of law governing deaths and burials in order to provide clarity that a funeral director or practitioner of funeral service is entitled to the immunity provided under the chapter of law governing deaths and burials.

Enacted Law Summary

Public Law 2015, chapter 188 clarifies that a funeral director or a practitioner of funeral service is entitled to the immunity provided under the chapter of law governing deaths and burials.

LD 436 An Act To Require Providers of Short-term Lodging To Be Licensed by the State ONTP

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

This bill defines "overnight occupancy" in the laws governing lodging places and requires renters who provide overnight occupancy to the public to be licensed by the State. It also provides that a property rented as a vacation rental must be rented for a minimum of seven days.

LD 452 An Act To Require a Work Search for Job-ready Applicants for Benefits under the Temporary Assistance for Needy Families Program ONTP

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

This bill creates a work search requirement for job-ready applicants to the Temporary Assistance for Needy Families program.

LD 469 An Act To Promote the Disposal of Unused Medications ONTP

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

This bill allows the return of a prescription drug to the issuing pharmacy by the person for whom the drug was dispensed, by the person's guardian or by the staff of a residential facility providing services to the person. The bill requires the pharmacy to dispose of the prescription drug in a manner that complies with local, state and federal environmental requirements. It further establishes that the cost of disposal is borne by the issuing pharmacy.