

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
127<sup>TH</sup> 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

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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 127<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. 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 &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 First Regular Session of the 127<sup>th</sup> 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*

**LD 560**      **An Act Regarding Patient Information Under the Maine Medical Use of Marijuana Act**      **Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RUSSELL BRAKEY	OTP-AM	H-330

This bill is a concept draft pursuant to Joint Rule 208.

The bill proposes to amend the registration process for patients under the Maine Medical Use of Marijuana Act by:

1. Requiring medical providers to send only the date of birth of a qualifying patient and the zip code of that patient's residence to the Department of Health and Human Services;
2. Requiring the department to assign a unique identifying number for that qualifying patient and notify the medical provider of that number; and
3. Requiring the medical provider to issue the qualifying patient a card with the qualifying patient's unique identifying number.

The bill requires qualifying patient to provide the card to a registered dispensary or primary caregiver in order to obtain prepared marijuana.

The bill also proposes to require registered dispensaries and primary caregivers to submit monthly reports to the department showing transfers of prepared marijuana to qualifying patients, using only the unique identifying number assigned by the department to identify the qualifying patient. Other information about the qualifying patient is only released in compliance with the federal Health Insurance Portability and Accountability Act of 1996, as amended.

**Committee Amendment "A" (H-330)**

This amendment replaces the concept draft with a statutory provision that prohibits the Department of Health and Human Services from storing or retaining in electronic format or requiring health care providers to transmit over the Internet personally identifying patient information related to the Maine Medical Use of Marijuana Act, including the name, address and date of birth.

**LD 582**      **An Act To Establish a State Educational Medicaid Officer**      **PUBLIC 359**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEARNS GRATWICK	OTP-AM	H-227

This bill provides that the Commissioner of Health and Human Services must designate a state educational Medicaid officer within the Department of Health and Human Services to work with the Department of Education and school administrative units in order to maximize reimbursement for Medicaid services provided by school administrative units.

**Committee Amendment "A" (H-227)**

This amendment adds an appropriations and allocations section.

## Joint Standing Committee on Health and Human Services

### Enacted Law Summary

Public Law 2015, chapter 359 provides that the Commissioner of Health and Human Services must designate a state educational Medicaid officer within the Department of Health and Human Services to work with the Department of Education and school administrative units in order to maximize reimbursement for Medicaid services provided by school administrative units.

**LD 597**      **Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 29: Allowances for Support Services for Adults with Intellectual Disabilities or Autistic Disorder, a Major Substantive Rule of the Department of Health and Human Services**      **RESOLVE 13 EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This resolve provides for legislative review of portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 29: Allowances for Support Services for Adults with Intellectual Disabilities or Autistic Disorder, a major substantive rule of the Department of Health and Human Services.

### Enacted Law Summary

Resolve 2015, chapter 13 provides for legislative review of portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 29: Allowances for Support Services for Adults with Intellectual Disabilities or Autistic Disorder, a major substantive rule of the Department of Health and Human Services.

Resolve 2015, chapter 13 was finally passed as an emergency measure effective May 10, 2015.

**LD 604**      **An Act To Encourage Communication Regarding Persons with Mental Illness**      **ONTP**

Sponsor(s)

Committee Report

Amendments Adopted

MALABY  
BURNS

ONTP

This bill allows a health care practitioner to disclose health care information to the parent or guardian of an individual with a mental health diagnosis who withholds consent because of the individual's compromised view of that individual's mental health. A health care practitioner is not liable for failing to make a disclosure if the practitioner determines in good faith that there is no serious or imminent threat and the disclosure would interfere with providing effective care.

**LD 605**      **Resolve, To Provide Certain Dental Services to Pregnant Women Enrolled in the MaineCare Program**      **ONTP**

Sponsor(s)

Committee Report

Amendments Adopted

MARTIN J  
KATZ

ONTP

This resolve requires the Department of Health and Human Services to amend Rule Chapter 101, MaineCare Benefits Manual, Chapter II, Section 25 to cover diagnostic, preventive, restorative and periodontic dental services