

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION



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

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

August 2017

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*Committee member for a portion of the session

STATE OF MAINE

128TH 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 128th 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.

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 First Regular Session of the 128th Legislature is Wednesday, November 1, 2017. 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

- 5. It removes the requirement for a dispenser to notify the Controlled Substances Prescription Monitoring Program if the dispenser has reason to believe that a prescription is fraudulent or duplicative, maintaining the requirement that the dispenser contact the prescriber.
- 6. It clarifies that the requirement to check the Controlled Substances Prescription Monitoring Program does not apply for surgical procedures, rather than only inpatient surgery.
- 7. It clarifies that dispensing in connection with surgical procedures is exempt from the 100 morphine milligram equivalents limitation on opioids.
- 8. It clarifies that an opioid product that is labeled by the federal Food and Drug Administration to be dispensed only in a stock bottle that exceeds a seven-day supply may be prescribed as long as the amount dispensed does not exceed a 14-day supply.
- 9. It makes all rules related to the Controlled Substances Prescription Monitoring Program major substantive rules except that the Department of Health and Human Services is directed to adopt routine technical rules to conform to the changes in the definition of "dispenser" and the removal of the requirement of a pharmacist to notify the program when a prescription appears fraudulent or duplicative.

Public Law 2017, chapter 213 was enacted as an emergency measure effective June 16, 2017.

LD 1039 An Act To Enhance Access to Affordable Health Care

**Died Between
Houses**

Sponsor(s)

Committee Report

Amendments Adopted

This initiated bill was not referred to committee. This initiated bill requires the State to provide federally approved Medicaid services through MaineCare to qualifying persons under 65 years of age with income equal to or below 133% plus 5% of the nonfarm income official poverty line. The initiated bill requires the Department of Health and Human Services to prepare and submit to the Federal Government any state plan amendments, no later than 90 days after the effective date of the initiated bill, necessary to implement the provisions of the initiated bill. The initiated bill requires monthly reporting by the department to the appropriate joint standing committees of the Legislature on the status of a state plan amendment submission until such an amendment is approved and reporting on the status of implementation of the expanded coverage under MaineCare and on the status of implementation and savings generated to state-funded programs as a result of the expanded coverage. It requires the Department of Administrative and Financial Services, Maine Revenue Services to report on revenues generated as a result of expanded coverage. It requires any savings to be transferred to the MaineCare Stabilization Fund prior to the end of fiscal year 2018-19. It requires the Office of Fiscal and Program Review to independently review these reports and report its findings to the appropriate joint standing committees of the Legislature.

LD 1052 An Act To Allow Drug Testing Prior to Providing Welfare Benefits

ONTP

Sponsor(s)

HANLEY J
HAMPER J

Committee Report

ONTP

Amendments Adopted

Joint Standing Committee on Health and Human Services

This bill allows the Department of Health and Human Services to require an applicant for Temporary Assistance for Needy Families, or TANF, benefits to complete a written screening tool to determine the applicant's likelihood of current illegal drug or controlled substance use. Based on the results of the screening tool or interactions with a TANF applicant or recipient, the department may require the applicant or recipient to submit to a drug test as a condition of receiving benefits if the department has a reasonable suspicion that the applicant or recipient is using an illegal drug or controlled substance.

LD 1053 Resolve, Concerning the Format of Birth Certificates of Deceased Persons ONTP

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

This resolve requires the Department of Health and Human Services, Office of Data, Research and Vital Statistics to decrease the prominence of the words indicating a person is deceased on a copy of a birth certificate. The changes must include decreasing the size of the words and making the location of the words less prominent on the birth certificate. The resolve directs the office to begin working with its vendor to make the changes by January 1, 2018.

LD 1054 Resolve, To Expand Research To Fight Lyme Disease ONTP

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

This resolve, for the purpose of reducing the effects of Lyme disease, does the following.

1. It requires the Department of Inland Fisheries and Wildlife and the University of Maine to undertake a joint study into the effects of ticks and disease-infected ticks on the deer population and the effects of winter ticks on the moose population; and
2. It provides funding to the Department of Health and Human Services, Maine Center for Disease Control and Prevention for the Lyme and Vector-Borne Disease Laboratory in the Maine Medical Center Research Institute and the University of Maine for research and development to combat Lyme disease.

LD 1063 An Act To Protect Substance-exposed Infants CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMANN S CHIPMAN B		

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

This bill proposes to enact measures designed to enhance the protection of substance-exposed infants, which may include prevention, intervention, identification of risk and treatment of prenatal substance exposure.

Committee Amendment "A" (H-383)

This amendment, which is the majority report, replaces the bill and changes the title. It requires the Department of Health and Human Services to amend its rules in the MaineCare Eligibility Manual to provide for presumptive