

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
129<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL AND SECOND REGULAR SESSIONS



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

**JOINT STANDING COMMITTEE ON HEALTH COVERAGE,  
INSURANCE AND FINANCIAL SERVICES**

November 2020

**STAFF:**

COLLEEN MCCARTHY REID, SENIOR LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670  
<http://legislature.maine.gov/opla/>

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# STATE OF MAINE

129<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



## 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 129<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.

*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 129<sup>th</sup> Legislature is Thursday, September 19, 2019. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

**LD 1948     An Act To Prohibit, Except in Emergency Situations, the Performance  
without Consent of Certain Examinations on Unconscious or  
Anesthetized Patients**

**PUBLIC 602**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUDERA V SANBORN H	OTP-AM	H-688

This bill provides that, prior to administering or supervising a pelvic examination on an anesthetized or unconscious patient, a physician must obtain the patient's informed consent to the pelvic examination unless the examination is within the scope of the procedure or examination for which the patient has already consented, the pelvic examination of an unconscious patient is required for diagnostic purposes and is medically necessary or the pelvic examination is authorized pursuant to the implied consent provision in the Maine Health Security Act relating to forensic examinations of unconscious alleged victims of sexual assault.

**Committee Amendment "A" (H-688)**

This amendment replaces the bill.

The amendment requires that, prior to performing or supervising a pelvic, rectal or prostate examination, a health care practitioner must obtain the patient's informed consent to that examination unless the examination of an unconscious patient is required for diagnostic purposes and is medically necessary or the examination is authorized pursuant to the implied consent provision in the Maine Health Security Act relating to forensic examinations of unconscious alleged victims of sexual assault.

The amendment clarifies that the provisions apply more broadly to licensed health care practitioners, not just physicians as in the bill, and reallocates the provision to the Maine Revised Statutes, Title 24, chapter 21, subchapter 5. The amendment expands the scope of the bill to include rectal and prostate examinations and also requires a health care practitioner to obtain the patient's informed consent orally and in writing.

**Enacted Law Summary**

Public Law 2019, chapter 602 requires that, prior to performing or supervising a pelvic, rectal or prostate examination, a health care practitioner must obtain the patient's informed consent, orally and in writing, to that examination unless the examination of an unconscious patient is required for diagnostic purposes and is medically necessary or the examination is authorized pursuant to the implied consent provision in the Maine Health Security Act relating to forensic examinations of unconscious alleged victims of sexual assault.

**LD 1972     An Act To Increase Access to and Reduce the Cost of Epinephrine  
Autoinjectors by Amending the Definition of "Epinephrine  
Autoinjector"**

**PUBLIC 560  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN H CARNEY A	OTP-AM	S-379

This bill amends the definition of "epinephrine autoinjector" in different Titles of the Maine Revised Statutes to include devices approved by the federal Food and Drug Administration that deliver a specific dose of epinephrine by means other than automatic injection of epinephrine into the human body. The bill changes references to epinephrine pen to epinephrine autoinjector.

# *Joint Standing Committee on Health Coverage, Insurance and Financial Services*

## **Committee Amendment "A" (S-379)**

This amendment adds an emergency preamble and emergency clause to the bill.

## **Enacted Law Summary**

Public Law 2019, chapter 560 amends the definition of "epinephrine autoinjector" in different Titles of the Maine Revised Statutes to include devices approved by the federal Food and Drug Administration that deliver a specific dose of epinephrine by means other than automatic injection of epinephrine into the human body. The law also changes references to epinephrine pen to epinephrine autoinjector.

Public Law 2019, chapter 560 was enacted as an emergency measure effective February 21, 2020.

## **LD 1975     An Act To Facilitate Dental Treatment for Children**

**PUBLIC 605**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN H FARNSWORTH D	OTP-AM OTP-AM	S-401

This bill prohibits a health insurance carrier from imposing a waiting period for any dental or oral health service or treatment, except for orthodontic treatment, for an enrollee under 19 years of age.

## **Committee Amendment "A" (S-401)**

This amendment is the majority report of the committee and replaces the bill.

Like the bill, the amendment prohibits a health insurance carrier or dental insurer from imposing a waiting period for any dental or oral health service or treatment, except for orthodontic treatment, for an enrollee under 19 years of age. The bill allocates the prohibition to the Maine Insurance Code, chapter 56-A. The amendment allocates the prohibition to the appropriate chapters of the Maine Insurance Code to ensure the prohibition applies to stand-alone dental insurance plans and to health insurance plans that provide coverage for dental or oral health services.

The amendment makes clear that the provisions apply to policies and contracts issued or renewed on or after January 1, 2021.

The amendment also corrects a conflict created by Public Law 2019, chapters 274 and 388, which affected the same provision of law.

## **Committee Amendment "B" (S-402)**

This amendment is the minority report of the committee and replaces the bill.

Like the bill, the amendment prohibits a health insurance carrier or dental insurer from imposing a waiting period for any dental or oral health service or treatment, except for orthodontic treatment, for an enrollee under 19 years of age. The bill allocates the prohibition to the Maine Insurance Code, chapter 56-A. The amendment allocates the prohibition to the appropriate chapters of the Maine Insurance Code to ensure the prohibition applies to stand-alone dental insurance plans and to health insurance plans that provide coverage for dental or oral health services.

The amendment makes clear that the provisions apply to policies and contracts issued or renewed on or after January 1, 2021, and repeals the provisions in two years.

The amendment also corrects a conflict created by Public Law 2019, chapters 274 and 388, which affected the same