Maine Legislative & Regulatory Update:
125th Maine Legislature, First Regular Session
Maine’s Path of Legislation

- Idea developed
- Bill drafted (Legislative Request or LR)
- Bill introduced (Legislative Document or LD)
- Committee reference
- Committee action (public hearing/work session(s)/vote)
- First Reading (committee amendments)
- Second Reading (floor amendments)
- Next chamber, same process (must pass in identical form in both chambers)
- Governor’s action (10 days to sign or veto)
- Law (effective 90 days after adjournment, unless emergency or specified effective date; citation is “Public Law” or “Resolve”)
Key Legislative Committees

• Joint Standing Committees on:
  - Appropriations & Financial Affairs
  - Taxation
  - Labor, Commerce, Research & Economic Development
  - Health & Human Services
  - Insurance & Financial Services
  - Judiciary

• Committee membership lists with contact info.:
  http://janus.state.me.us/house/jtcomlst.htm
The Policy Makers

- 186 Legislators
  - 124th Legislature (2009-2010)
    * 20 D, 15 R in Senate
    * 94 D, 55 R, 1 U, 1 Vacancy in House
  - 125th Legislature (2011-2012)
    * 20 R, 14 D, 1 U in Senate
    * 78 R, 72 D, 1 U in House
- 151 members of the House of Representatives, each representing 8443 citizens
- 35 Senators, each representing 36,426 citizens
- All elected every 2 years for maximum of 4 consecutive terms
- Governor: elected every 4 years for maximum of 2 terms
- Find your legislators: http://www.maine.gov/legis/house/townlist.htm
• Senate President: Sen. Kevin Raye (R-Washington)
• Senate Majority Leader: Sen. Jonathan Courtney (R-York)
• Assistant Senate Majority Leader: Sen. Deborah Plowman (R-Penobscot)
• Senate Minority Leader: Sen. Barry Hobbins (D-York)
• Assistant Senate Minority Leader: Sen. Justin Alfond (D-Cumberland)
• Speaker of the House:  Rep. Robert Nutting, R.Ph. (R-Oakland)
• House Majority Leader:  Rep. Philip Curtis (R-Madison)
• Assistant House Majority Leader:  Rep. Andre Cushing (R-Hampden)
• House Minority Leader:  Rep. Emily Cain (D-Orono)
• Assistant House Minority Leader:  Rep. Teresa Hayes (D-Buckfield)
• Maine legislature’s web site: http://www.maine.gov/legis
  - Bill status: L.D. #
  - Session laws: P.L. or Resolves Chapter
  - Statutes: 24 M.R.S.A. sec. 2851
• State agency rules online: http://www.maine.gov/sos/cec/rules/rules.html
MMA’s Opportunities for Advocacy

- **MMA Legislative Committee**
  - Lisa D. Ryan, D.O., Chair
  - Regular communications through meetings, conference calls, *Maine Medicine*, & *Maine Medicine Weekly Update*
  - Doctor of the Day Program
  - Physicians’ Day at the Legislature: May 26, 2011
Governor’s Contact Info.

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Governor@maine.gov
The Honorable John/Jane Doe
Maine House of Representatives
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Senate Contact Info.

The Honorable John/Jane Doe
The Maine Senate
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Highlights from 125th Legislature, First Regular Session

January - June 2011
Republican Governing Priorities

• Two principal themes
  - Reforming the way state government “does business”
  - Regulatory reform – making Maine more “business friendly”

• Two initial policy/partisan struggles
  - Merger of the Joint Standing Committees on Labor and Business, Research & Economic Development
  - Possible establishment of a Joint Select Committee on Regulatory Fairness/Regulatory Reform
• MMA Summary of 125th First Regular Session available on the web at: http://www.mainemed.com/legislation/125thLegSummary.pdf

• The MMA’s Summary of Health Care Legislation from the 124th Maine Legislature (2009-2010) is also available at: http://www.mainemed.com/legislation/124thLegSummary.pdf
Supplemental Budget

- L.D. 100, FY 2011 supplemental budget
  - Appropriates $17.1 M (General Fund) for a change in the FMAP, the Medicaid match rate
  - Appropriates $69.5 M (General Fund) plus federal matching funds for past due hospital settlements
  - Enacted in early February
Biennial Budget

• L.D. 1043, State FY 2012 - 2013 biennial budget
  - $6.1 B unanimous, bipartisan report from Appropriations Committee; enacted by wide margins in both chambers
    • Restores many health care & social service cuts proposed by Governor
    • Restores most cuts to Fund for a Healthy Maine
    • Avoids elimination of “non-categorical” MaineCare coverage eligibility
    • Moderates Governor’s other “welfare reform” proposals, but does eliminate MaineCare coverage for estimated 1550 legal non-citizens who haven’t lived in the U.S. for 5 years
    • Books $8.1 M in MaineCare savings from a managed care initiative
Insurance Reform

• L.D. 1333, An Act to Modify Rating Practices for Individual and Small Group Health Plans and to Encourage Value-Based Purchasing of Health Care Services

• Primary Republican health care initiative of the session, including:
  - Amendment of community rating standards
  - Relaxation of carrier network geographic access standards
  - Establishment of a high risk pool
  - Encouraging sale of health insurance across state lines
  - Eliminates State Health Plan/Advisory Council on Health Systems Development & any reference in statute to Governor’s Office of Health Policy & Development
Health Care Reform/
ACA Implementation

• Insurance & Financial Services Committee carries over to Second Regular Session the following:
  - L.D. 1497, An Act to Comply with the Health Exchange Provision of the Patient Protection and Affordable Care Act (the “Republican exchange bill”)
  - L.D. 1498, An Act to Phase Out Dirigo Health and Establish the Maine Health Benefit Exchange for Small Businesses and Individuals (the “Democratic exchange bill”)
  - L.D. 1030, An Act to Reduce Costs for Small Businesses (a concept draft dealing with subsidies and/or tax credits)
  - L.D. 882, An Act to Limit Health Care Mandates (comparing Maine’s mandates to the federal “essential benefits package”)
• L.D. 1582, Resolve, Creating the Advisory Committee on Maine’s Health Insurance Exchange
  - 4 meetings scheduled; last on 9/14/11
Insurance & Financial Services Committee recommends passage of & legislature enacts modest bill outlining principles of payment reform:

- L.D. 540, An Act to Implement the Insurance Payment Reform Recommendations of the Advisory Council on Health Systems Development
Provider Negotiations with Insurance Carriers

- Insurance & Financial Services Committee unanimously recommends approval of MMA bill to prohibit so-called “most favored nation” clauses in provider agreements:
  - L.D. 1222, An Act to Promote Fairness in Negotiations between Health Insurance Carriers and Health Care Service Providers
  - L.D. 1583, An Act to Provide Oversight in Certain Negotiations
    - Governor’s bill enacted following veto of L.D. 1222
    - Substance is same as L.D. 1222 except for “waiver” procedure before Superintendent of Insurance
  - Second major Republican health care initiative of the session
  - Negotiations involving several bills occupies Health & Human Services Committee for most of session
  - Result is most significant amendment to CON law in its history, including substantial increases in various thresholds for CON review & restoration of automatic inflation adjustments for thresholds
Health Information Exchange Issues

- Health & Human Services Committee reports out & legislature enacts 2 bills on HealthInfoNet:
  - L.D. 1331, An Act to Increase Health Care Quality through the Promotion of Health Information Exchange and the Protection of Patient Privacy
  - L.D. 1337, An Act to Ensure Patient Privacy and Control with Regard to Health Information Exchanges
  - Result is providers will be required to include in patient registration materials a form prepared by HealthInfoNet under the oversight of the OSC for HIT permitting a patient to “opt out” of the exchange & to deliver the form to HealthInfoNet upon request
• Health & Human Services Committee unanimously votes out & legislature enacts bill to replace current MRSA screening law with one focusing on actual occurrence in the patient population in hospitals:
  - L.D. 1212, An Act to Improve Hospital Reporting of MRSA and Clostridium difficile Data
Over objections of State Fire Marshall & MMA/MSEPS, majority of Criminal Justice & Public Safety Committee recommends approval of & legislature enacts bill legalizing fireworks in Maine:
- L.D. 83, An Act to Legalize the Sale, Possession and Use of Fireworks

Over objections of MMA, legislature enacts bill restoring the legalization of professional boxing
- L.D. 889, An Act to Regulate Boxing and Prizefighting in Maine
Legislature permits BPA rule to proceed; Governor allows it to become law without signature:

- L.D. 412, Resolve, Regarding Legislative Review of Portions of Chapter 882: Designation of Bisphenol A as a Priority Chemical and Regulation of Bisphenol A in Children's Products, a Major Substantive Rule of the Department of Environmental Protection

Legislature also amends process for designating priority chemicals under the Toxic Chemicals in Children's Products law

- L.D. 1129, An Act to Provide the Department of Environmental Protection with Regulatory Flexibility Regarding the Listing of Priority Chemicals
• Despite overwhelming evidence of public health benefit, Health & Human Services divides on 2 vaccine bills:
  - L.D. 694, An Act to Encourage Transparency in Disclosing the Ingredients in Vaccinations for Children to Parents and Guardians
  - L.D. 941, An Act to Prohibit Mandatory Immunizations
  - Both bills defeated after floor debate
• Education & Cultural Affairs Committee carries over bills on these subjects:
  - L.D. 980, An Act to Prohibit Cyberbullying in Public Schools
  - L.D. 1237, An Act to Prohibit Bullying in Schools
  - L.D. 98, Resolve, Directing the Commissioner of Education to Adopt a Policy Regarding Management of Head Injuries in Youth Sports
• Health & Human Services considers and carries over:
  - L.D. 646, Resolve, To Improve Communication Regarding and the Coordination of Care for Children Who Are Prescribed Antipsychotic Medications
  - Directs psychiatric work group within the Department of Health and Human Services to make recommendations regarding the use of antipsychotic medications in children
Legislature enacts bill that requires all pregnant women be offered an HIV test (subject to existing consent requirements) and, if the mother refuses or status of the newborn is unknown, testing of the infant

- L.D. 702, An Act to Prevent HIV Transmission from a Pregnant Mother to a Child
• Legislature enacts:
  - L.D. 736, An Act to Prohibit Texting While Driving
  - L.D. 966, An Act Regarding the Use of Methadone by Operators of Commercial Motor Vehicles
  - L.D. 1562, An Act to Prohibit the Sale or Possession of So-called Bath Salts Containing Dangerous Synthetic Drugs
  - L.D. 1558, Resolve, to Study Allocations of the Fund for a Healthy Maine

• Legislature defeats:
  - L.D. 64, An Act to Make a Violation of the Laws Governing Seat Belts a Secondary Offense
Restrictions Upon Abortion

- Judiciary Committee majority recommends “ought not to pass” on 3 bills:
  - L.D. 116, An Act to Require a 24-Hour Waiting Period Prior to An Abortion (8-3 vote)
  - L.D. 924, An Act to Educate Women on the Medical Risks Associated with Abortion (7-4 vote)
  - L.D. 1457, An Act to Strengthen the Consent Laws for Abortion Performed on Minors and Incapacitated Persons (8-3 vote)
- Floor debate is vigorous, but results in no change in abortion laws
• Strong majority (9-1) of Judiciary Committee recommends “ought not to pass” on 2 bills to require parental consent for any services to minors:
  - L.D. 31, An Act to Protect the Safety of Maine Children by Requiring the Express Consent of a Legal Guardian to Dispense Prescription Medication to a Minor
  - L.D. 746, An Act Regarding the Consent of Minors for Mental Health and Substance Abuse Aid
  - Both bills defeated after floor debate
• Health & Human Services Committee recommends passage of amended version of bill based on controversial Washington state law:
  - L.D. 1501, Resolve, to Reduce Opioid Overprescription, Overuse and Abuse
  - Bill will convene stakeholder group to report back next session
  - L.D. 332, Resolve, Regarding Legislative Review of Portions of Chapter 11: Rules Governing the Controlled Substances Prescription Monitoring Program, A Major Substantive Rule of the Maine DHHS allows rule amendments to go forward
Health & Human Services Committee recommends passage of amended bill and legislature enacts law that eliminates the laws related to the reporting of marketing costs, price reporting and the disclosure of clinical trials by manufacturers and labelers of prescription drugs. It maintains funding for the academic detailing program.

- L.D. 719, **An Act to Make Certain Prescription Drug Disclosure Laws Consistent with Federal Law**
• Health & Human Services Committee carries over bill expanding pharmacists' scope of practice to include “medication therapy management” for patients:
  - L.D. 612, An Act to Provide Reimbursement for Medication Therapy Management Services
• Health & Human Services Committee rejects bill to add medical marijuana to PMP, but divides over bill to “liberalize” access to medical marijuana:
  - L.D. 887, An Act to Include Medicinal Marijuana Patients in the Controlled Substances Prescription Monitoring Program
  - L.D. 1296, An Act to Amend the Maine Medical Use of Marijuana Act to Protect Patient Privacy
  - L.D. 1159, An Act to Amend the Identification Requirements under the Maine Medical Use of Marijuana Act
  - Legislature enacts L.D.s 1159 & 1296
• Health & Human Services Committee carries over bill on providers’ price disclosure obligations, despite current law in place since Dirigo Health legislation in 2003:
  - L.D. 806, An Act to Provide Public Access to Price Lists of Hospitals and Ambulatory Surgical Facilities
Workers’ Compensation Issues

- Labor, Commerce, Research & Economic Development Committee recommends passage of & legislature enacts bills to expand pool of potential IME physicians and to give guidance to the Workers’ Compensation Board on the medical fee schedule:
  - L.D. 1056, An Act to Increase the Availability of Independent Medical Examiners under the Workers’ Compensation Act of 1992
  - L.D. 1244, An Act to Clarify Usual and Customary Charges Under the Workers’ Compensation Laws
Questions?

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