

## **The MMA-MOA Legislative Committee**

**welcomes you to the first regular meeting of the  
committee for the Second Legislative Session**

**December 14<sup>th</sup>, 2023**



## **Included in this Packet:**

1. About the Legislature
2. Path of Legislation in Maine, Simplified
3. The Flow of Legislation through the Committee Process
4. How to Testify
5. Voter Information Lookup
6. How to Find your Representative
7. How to Find your Senator
8. MMA Legislative Priorities for 2024
9. The Legislation of Medicine
10. MMA/MOA Weekly Legislative Update Ground Rules

### **Available upon request:**

Path of Legislation in Maine, Detailed

How to Read a Bill 101

# About the Legislature



Maine's part-time Legislature is composed of a Senate (35 members) and a House of Representatives (151 members); members of both Houses are elected for two-year terms and are limited to four consecutive terms. The Maine House also has three non-voting members representing the Penobscot Nation, the Passamaquoddy Tribe, and the Houlton Band of Maliseet Indians.

The Legislature meets annually in regular session. The first regular session convenes on the first Wednesday in December after the general election with a statutory adjournment date of the 3rd Wednesday in June; the second regular session is convened on the first Wednesday after the first Tuesday in January of the subsequent even-numbered year with a statutory adjournment date of the 3rd Wednesday in April. Each regular session may be extended, statutorily, by two 5-day extensions and a veto day. The Legislature may be convened at other times by the Governor and may be convened on call of the presiding officers of both branches with the consent of a majority of the members of the Legislature of each political party.

Parliamentary procedure resembles that in use throughout the country. Maine is one of three states in the Union to use the joint standing committee system.

# Path of Legislation in Maine, Simplified

## 1. IDEA DEVELOPED

A legislator decides to sponsor a bill, sometimes at the suggestion of a constituent, interest group, public official or the Governor.

The legislator may ask other legislators in either chamber to join as co-sponsors.

## 2. BILL DRAFTED

At the legislator's direction, the Revisor's Office, Office of Policy and Legal Analysis, and Office of Fiscal and Program Review staff provide research and drafting assistance and prepare the bill in proper technical form.

## 3. BILL INTRODUCED

The legislator gives the bill to the Clerk of the House or Secretary of the Senate. The bill is then numbered, a suggested committee recommendation is made, and the bill is printed. The bill is placed on the respective body's calendar.

## 4. COMMITTEE REFERENCE

The bill is referred to one of the Joint Standing or Joint Select committees in the originating branch and then sent to the other body for concurrence.

## 5. COMMITTEE ACTION

When scheduled by the chairs, the committee conducts a public hearing where it accepts testimony supporting and opposing the proposed legislation from any interested party. Notices of public hearings are published online and printed in newspapers with statewide distribution.

Public hearing schedules are posted at least weekly during the session, see the event Calendar and the Committee Information page.

## 6. GENERAL ORDER

When the bill is reported to the floor it receives its first reading and any committee amendments are adopted at this time. The committee reports the bill to the originating body as is, with amendment, with a divided report or with a unanimous recommendation of Ought Not to Pass.

### *REPORTING BILLS FROM COMMITTEE:*

*Committee reports shall include one of the following recommendations:*

*Ought to Pass, Ought to Pass as Amended, Ought to Pass in New Draft*

*Ought Not to Pass, Unanimous Ought Not to Pass*

*Refer to Another Committee*

*With the exception of Unanimous Ought Not to Pass, a plurality of the committee may vote to make one of the other recommendations. When this occurs, a minority report or reports are required.*

## **7. SECOND READING**

The next legislative day the bill is given its second reading and floor amendments may be offered. When one chamber has passed the bill to be engrossed, it is sent to the other body for its consideration.

The House has a consent calendar for unanimous Ought to Pass or Ought to Pass as amended bills which takes the place of First and Second readings.

## **8. SECOND CHAMBER**

The bill goes through a similar process. If the second chamber amends the bill, it is returned to the first chamber for a vote on the changes. It may then be sent to a conference committee to work out a compromise agreeable to both chambers.

A bill receives final legislative approval when it passes both chambers in identical form.

## **GOVERNOR**

After final passage (enactment) the bill is sent to the Governor. The Governor has ten days in which to sign or veto the bill.

If the Governor does not sign the bill and the Legislature is still in session, the bill after ten days becomes law as if the Governor signed it.

If the Legislature has adjourned for the year the bill does not become law. This is called a "pocket veto."

If the Legislature comes back into special session, the Governor on the 4th day must deliver a veto message to the chamber of origin or the bill becomes law.

## **LAW**

A bill becomes law 90 days after the end of the legislative session in which it was passed. A bill can become law immediately if the Legislature, by a 2/3 vote of each chamber, declares that an emergency exists. An emergency law takes effect on the date the Governor signs it unless otherwise specified in its text.

If a bill is vetoed, it will become law if the Legislature overrides the veto by a 2/3 vote of those members present and voting of both chambers.

# The Flow of Legislation through the Committee Process

The Bill is printed and the Legislature determines the committee of reference

When the **bill is printed**, it is assigned an L.D. number and a committee of reference is suggested by the Clerk of the House and Secretary of Senate. The bill is then placed on either the House or Senate calendar.

**House Bill:** a bill with a member of the House as the primary sponsor

**Senate Bill:** a bill with a member of the Senate as the primary sponsor

Reference vote first in House then the Senate

Reference vote first in Senate then the House

The bill is "in committee" when the committee clerk takes physical possession of the bill.

Bill sent to committee

With few exceptions, every bill is **scheduled for a public hearing**. The time, date and location of the hearing are advertised on the Legislature's website and in the weekend editions of newspapers in Portland, Lewiston and Bangor. Unless waived by the presiding officers, hearings must be advertised two weekends in advance.

A public hearing is scheduled and advertised

**During the hearing**, the committee receives testimony from and may ask questions of the sponsor(s), lobbyists, relevant agencies and/or members of the public. Sometimes, committees conduct joint public hearings on two or more closely related bills.

A public hearing is held

**During work sessions**, the committee receives information from its analyst, discusses the bill and may vote on it. Permission is generally required for audience members to participate in the work session. Advance public notice of a work session must be provided, although a committee may vote to enter a work session on the same day as the bill's advertised public hearing.

Work sessions are held

**Voting options:**

- ONTP: the bill "ought not to pass"
- OTP: the bill "ought to pass" as written
- OTP-A: the bill "ought to pass as amended" - sometimes the only change is the addition of a required fiscal note

The committee votes

The committee analyst ensures that each committee amendment is properly drafted, analyzed by the Office of Fiscal and Program Review for fiscal impact (and potential drafting of a fiscal note), and reviewed by the committee. The committee may reconsider its vote at any meeting before the bill is reported out of committee.

Reports are finalized and reviewed for fiscal impact

When the committee's reports are complete, the committee clerk delivers the reports in their signed jackets to the House (if it is a House Bill) or the Senate (if it is a Senate Bill). After the bill is "**reported out**" of committee, the committee may take no further action on it unless it has been re-referred to the committee by both chambers.

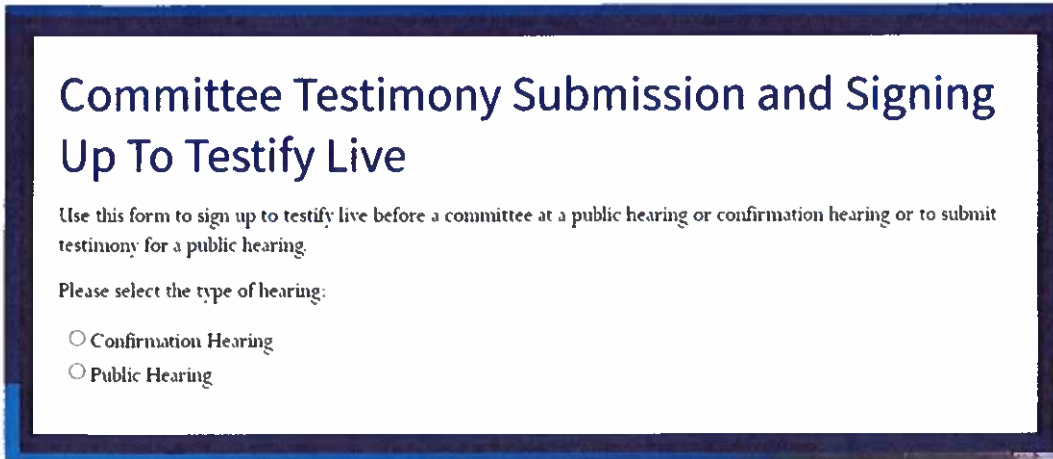
Bill "reported out" of Committee

Bill returns to chambers for further consideration

For further information on the progress of a bill after it is reported out of committee, please see the Legislator's Handbook, available on the [OPLA website](#).

# How to Testify

If you would like to submit written testimony, or speak on a Bill, you can do so through this link:  
<https://www.mainelegislature.org/testimony/>



**Committee Testimony Submission and Signing Up To Testify Live**

Use this form to sign up to testify live before a committee at a public hearing or confirmation hearing or to submit testimony for a public hearing.

Please select the type of hearing:

- Confirmation Hearing
- Public Hearing

Choose "Public Hearing" – the page will reload with a drop-down menu to choose committee.

Choose a committee:

Select the appropriate committee.

You will then be prompted to select:

- The appropriate date/time
- The appropriate Bill.

If you'd like to offer verbal comments/testimony, click the "I would like to present my testimony live" box.

I would like to present my testimony live

Select your position.

**Please select your position on the proposed legislation:**

- I am for the proposed legislation
- I am against the proposed legislation
- I am neither for nor against the proposed legislation



Scroll down and fill in contact information.  
Click Submit.

Once done, you will receive an email with a link to join the hearing. First, you will be an attendee waiting to be called upon. When your time to speak arrives, the committee Chairs will promote you to “panelist” to testify. Of note, it may seem like you are being booted offline when you are promoted to “panelist”, but this is a normal delay as you are being inserted into the formal Zoom meeting. It should take only a few seconds.

There is no requirement to submit written comments, but you can. Submissions are permitted until the day the committee votes on the Bill.

If you'd like to submit written comments/testimony insert a file or enter the testimony in the box provided and click Submit.

Select file:  No file chosen

... and/or enter testimony below:

**WARNING:** Some public hearings can be very long (multiple hour) events. This is largely based on a Bill's subject matter. If a large number of people sign up to testify, it is likely the committee Chairs will limit testimony to 3 minutes for everyone, excluding legislators. In addition, legislators can ask questions of the testifiers. These are not time-limited and can prolong hearings further.

# Voter Information Lookup: [https://www.maine.gov/portal/government/edemocracy/voter\\_lookup.php](https://www.maine.gov/portal/government/edemocracy/voter_lookup.php)

The screenshot shows the top navigation bar of the Maine.gov website. The main menu includes: Home, Government, Elections & Voting, Voter Look Up, Maine Voter Information Lookup Service, Welcome to the State of Maine, Find election related information, home address, candidates, ballot, and contact them. The sub-menu for Elections & Voting includes: Find Sen, Find Rep, WB Mason, SM, DocBoard, MMA, Memex Login, MMTWU, VA Docs, Staples, Clover, All Bookmarks. The sub-menu for Voter Look Up includes: Voter Info, Voter Info, Find Sen, Find Rep, WB Mason, SM, DocBoard, MMA, Memex Login, MMTWU, VA Docs, Staples, Clover, All Bookmarks. The sub-menu for Maine Voter Information Lookup Service includes: Services, Agencies, Help, Intranet, Search Maine.gov. The sub-menu for Welcome to the State of Maine includes: Residents, Visitors, About ME.

## TOP ONLINE SERVICES

- [Voter Information Look-Up Service](#)
- [Legislative Bill Status Search](#)
- [Statute \(Law\) Search](#)
- [Supreme Court Opinions & Orders Search](#)
- [Unclaimed Property Search & Claims](#)
- [\[ More Online Services \]](#)

## RELATED AGENCIES

[Employee Health & Benefits](#)

## MAINE VOTER INFORMATION LOOKUP SERVICE

Welcome to the State of Maine Voter Information Lookup Service. Find election related information based on your home address. This information includes the location of your voting place, the candidates that will appear on your ballot, and your elected officials and how to contact them.

**Voting place locations can be updated by municipalities up to ten days prior to the election. Please check back prior to election day for final voting place locations.**

Please enter your address information and select the "Submit" button. **All fields are required.**

### Select Municipality

\*Town or City:

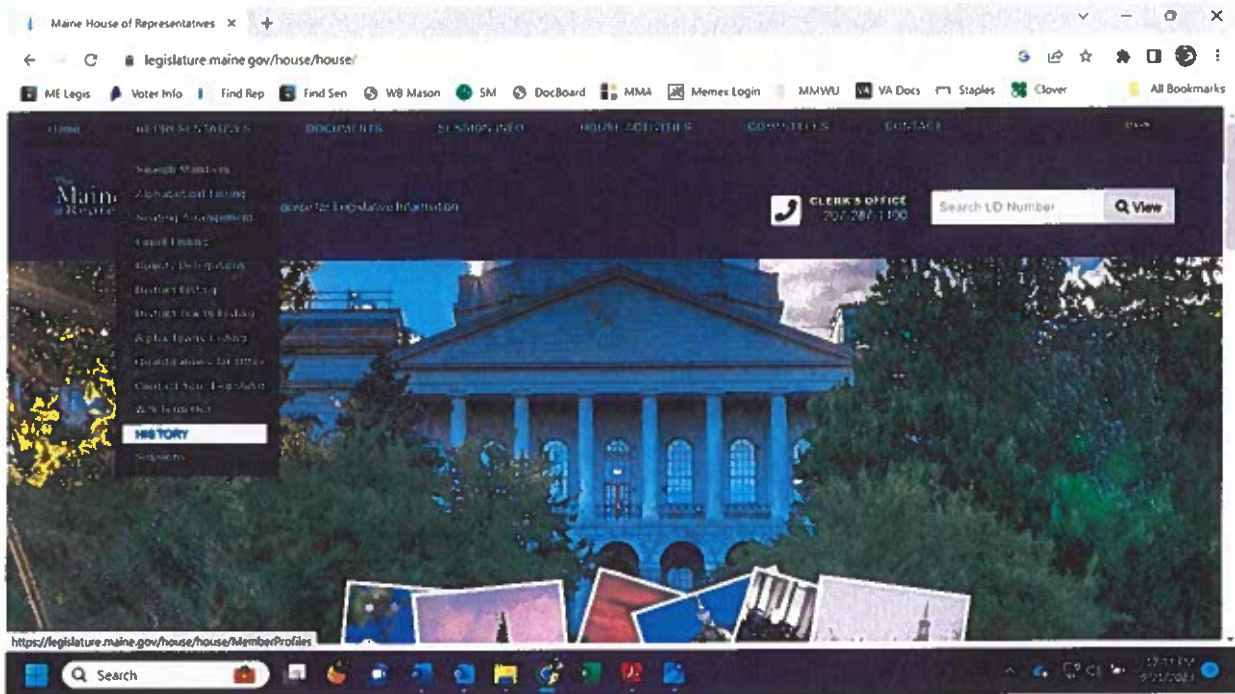
### Enter Residence Address

\*Street Number:

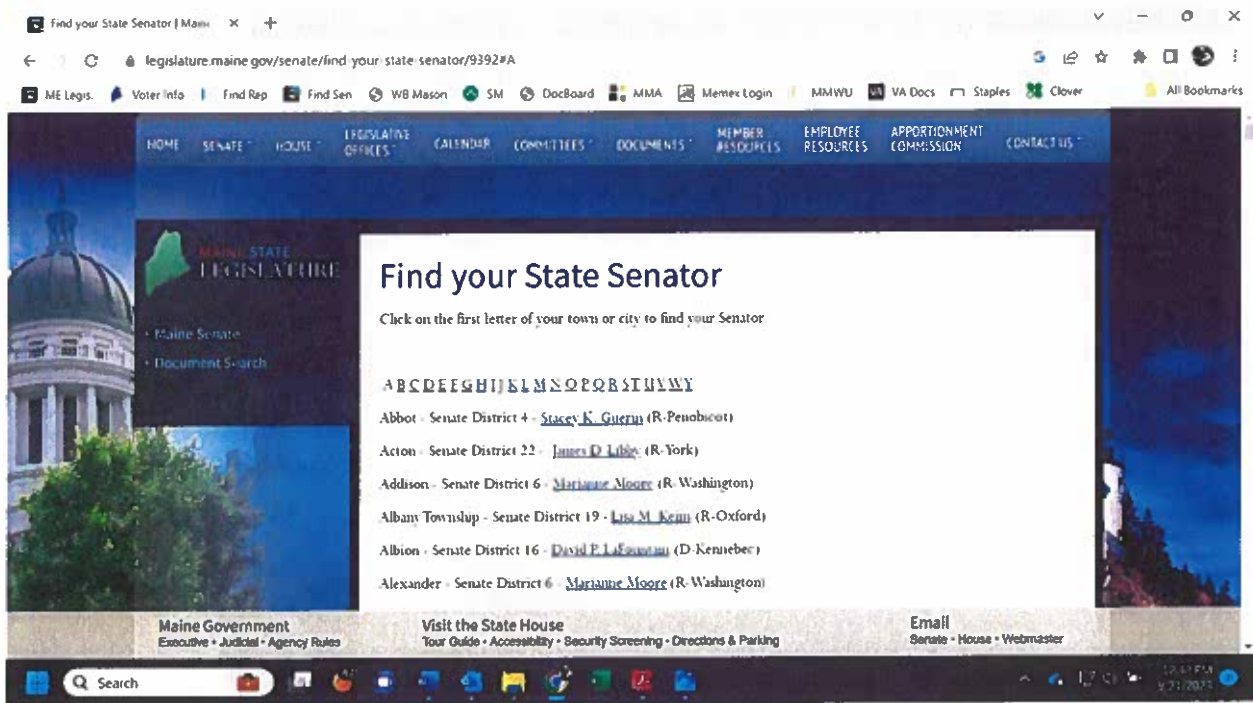
\*Street Name:

The Windows taskbar at the bottom of the screen shows the time as 12:30:54 on 9/27/2021. The taskbar includes the Start button, a search bar with the text "Search", and several application icons including File Explorer, Microsoft Edge, and the Task View button.

Find Your Representative: <https://legislature.maine.gov/house/house/>



Find Your Senator: <https://www.legislature.maine.gov/senate/find-your-state-senator/9392#A>



## MMA 2024 Legislative Priorities

*Beginning January 8<sup>th</sup>, the joint MMA-MOA (Maine Osteopathic Association) Legislative Committee will convene a weekly legislative update. These virtual meetings will be held on Thursdays from 6:00-7:00 pm.*

*MMA's weekly e-newsletter, the Maine Medicine Weekly Update, which is published on Wednesdays, will include both a legislative summary for the previous week, and a list of "bills of interest" that will be up for discussion at that Thursday's meeting.*

*To be added to the weekly legislative update e-mail list, or to sign up to receive the e-newsletter, please contact Sarah Lepoff, [slepoff@mainemed.com](mailto:slepoff@mainemed.com).*

Public Hearings for carry-over bills from 2023 and newly introduced legislation will begin in January 2024. Over 400 bills were carried over from the last session and several others will be introduced and approved by the Legislative Council for this upcoming second (short) session.

### 131<sup>st</sup> Legislature by the Numbers:

- 186 Legislators
- Senate: 22 D, 13 R
- House of Representatives: 80 D, 68 R, 2 I, 1 Vacancy
- Legislators are elected every 2 years for a maximum of 4 consecutive terms.
- The Governor is elected every 4 years for a maximum of 2 terms.

### Who are our Physician Legislators?

- Representative Sam Zager, M.D. (D – House District 116, part of Portland)
- Representative Jane Pringle, M.D. (D – House District 107, part of Windham)



## MMA Legislative Priorities for 2024:

### State Issues:

- Reduce administrative burden on the medical profession by improving the Prior Authorization (PA) Process (see **LD 796: An Act Concerning Prior Authorizations for Health Care Provider Services**), enforcing current PA law, and establishing a provider complaint process.
- Reduce youth tobacco use by banning the sale of flavored tobacco.
- Expand access to behavioral and mental health services.
- Protect health data.
- Support and expand the rural healthcare workforce in Maine.
- Increase access to affordable and quality health care.
- Improve access to Substance Use Treatment.

### Federal Issues:

- Medicare payment: The MMA supports efforts to address Medicare payment issues to ensure that physicians are fairly compensated for their services.
- Health care reform: The MMA supports healthcare reform efforts that prioritize patient-centered care, reduce administrative burden, and improve access to care.
- Interim Meeting of the AMA House of Delegates, November 11-14, 2023: The MMA participated in the AMA House of Delegates interim meeting to advocate for policies that benefit Maine physicians and patients.
- AMA National Advocacy Conference, Washington, D.C., April 12-14, 2024: The MMA will participate in the AMA National Advocacy Conference to advocate for policies that benefit Maine physicians and patients.

Questions? Comments? Please contact:

Andrew B. MacLean, J.D. CEO: [amaclean@mainemed.com](mailto:amaclean@mainemed.com); 207-215-7462 (Mobile)

*Thank you!*

• **SUPPORT** Maine Physicians • **ADVANCE** the quality of medicine in Maine • **PROMOTE** the health all Maine people



# Maine Medical Association

## Legislation of Medicine

*The state-based system of medical regulation emanates from the 10<sup>th</sup> Amendment to the United States Constitution that authorizes the states to establish laws and regulations protecting the health, safety, and general welfare of their citizens. In support of that role, the Maine Medical Association believes an ongoing, collaborative relationship with the Maine State Legislature is an essential component for fostering and supporting the health of the greater Maine community. This essential foundation of collaboration is built upon mutual trust which is entrusted to each party by the people of Maine based on our respective roles in supporting health and health care. To that end, we offer the following set of principles for guiding our work together as we continue to move forward in support of effective legislative and practice oversight in the State of Maine.*

### Overview

- In keeping with the defined role for state legislatures in the United States Constitution, each state has developed independent laws and regulations governing the practice of medicine which is considered a “privilege” granted by each state government through their state-defined process for legislative and regulatory oversight.
- State licenses are undifferentiated and, therefore, not granted based upon the specialty or practice focus of the individual physician or health care provider.
- State medical boards are empowered in all 50 states to license physicians and other providers as well as to investigate any complaints against licensed providers, discipline those who violate the laws of the state, conduct licensee evaluations and facilitate rehabilitation of licensees when appropriate in accordance to policies adopted by the board.
- The vital relationship between a patient and a physician is an essential component of the safe, appropriate, professional and high-quality provision of medical care. The Council of Medical Specialty Societies (CMSS), the 45-member specialty societies and the Federation of State Medical Boards all oppose legislative interference into the practice of medicine.<sup>1</sup>
- A seminal piece was published in the New England Journal of Medicine in October 2012 citing the following pertinent information:
  - Laws and proposed legislation have been increasingly proposed that inappropriately infringes on clinical practice and patient-physician relationships, “crossing traditional boundaries and intruding into the realm of medical professionalism.”

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<sup>1</sup> Paraphrase of policy established by the Council of Medical Specialty Societies in its Statement on Legislative Interference, <https://cmss.org>, May 2021.



# Maine Medical Association

- Various medical professional groups have advocated that “*legislators should abide by principles that put patients’ best interests first*” based on “*respect for the importance of scientific evidence, patient autonomy, and the patient-physician relationship.*”
  - “*By reducing health care decisions to a series of mandates, lawmakers devalue the patient-physician relationship...*” and “*...regrettably, often propose new laws or regulations for political or other reasons.*”
- Consideration could be given to a comprehensive legal review by counsel grounded in State of Maine laws on the use of the *Patient Trust Act*<sup>2</sup>, model legislation drafted and proposed by the National Partnership for Women and Families.

## Proposed Principles for Health Care Legislation in Maine:

- Physicians and health care providers licensed by the State of Maine hold a professional and ethical obligation to provide care that is evidence-based, individualized, safe, and medically appropriate.
- Without specific, verifiable public health justification, the State Legislature should not interfere in the provision of care and/or advice, support, or guidance as part of individual patient-physician encounters.
- The State Legislature does hold a very important role in focusing on public health measures that extend beyond the individual patient and are outside the capacity of individual physicians or patients to control.
- Laws or proposed state governmental regulations that interfere with the ability of licensed medical providers to offer patients appropriate treatment options and engage in open, honest and confidential communications are not an acceptable form of government oversight.
- Physicians and other medical providers licensed in the State of Maine will use their best professional medical judgement in evaluating currently available medical evidence as the basis for advice to patients.
- Legislation directed at defining the elements of certain medical procedures or which defy currently established medical practice and scientific fact will not be acceptable approaches for legislative or regulatory oversight in the State of Maine.

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<sup>2</sup> <https://www.nationalpartnership.org/our-work/resources/fact-sheet-on-the-pa-patient-trust-act.pdf>



# Maine Medical Association

- The adoption of medical treatment protocols on a pro forma basis into legislative acts will not be allowed in the State of Maine due to the ongoing development and expansion of medical knowledge.
- The State Medical Board is in the best position for ensuring public trust in the basic standards of competence and ethical behavior by physicians and other health care providers. As such, the board must serve as the lead in the State of Maine for determining the appropriate use of scientific information and knowledge by physicians and other health care providers in the State of Maine based upon the fact that the body is responsible for defining the practice of medicine, setting standards and qualifications for licensees, regulating the ongoing practice of medicine; and, determining and establishing the mechanism for taking disciplinary action for unprofessional conduct.



## MMA/MOA Weekly Legislative Update Ground Rules

### **Background:**

In pursuit of greater efficiency and stronger physician advocacy, the Maine Medical Association (MMA) and Maine Osteopathic Association (MOA) have chosen to merge their Legislative Committees and public policy advocacy efforts for the Second Regular Session of the 131st Maine Legislature scheduled to begin on January 3, 2024.

**MMA/MOA Legislative Committee Meetings will be held every Thursday during the legislative session, from 6:00 p.m. to 7:00 p.m. via Zoom.**

The standing agenda for the meetings will include: a discussion of priority bills, a discussion of other bills of interest, an update on previous bills discussed, an open floor for other questions/comments, and, when time allows, education on legislative topics (i.e., how to write testimony, how to contact your representatives, etc.)

MMA's Legislative Committee Co-Chairs Kevin Fickenscher, MD, and Henk Goorhuis, MD along with MOA's Legislative Committee Chair Kathryn Brandt, DO, MS.MEDL. & President Jodie Hermann, DO, MBA will share the responsibility of presiding over joint committee meetings.

The Board will make all final decisions for issues not resolved in committee discussions.

### **During the meetings, all those present are asked to:**

- Be professional, respectful, and courteous to your peers, fellow colleagues, and the speaker. Criticism, sarcasm, raised voices, bullying, etc. will not be tolerated. Agree to disagree when necessary.
- Be mindful of who has the floor. Please do not talk over the speaker or your colleagues. Raise your hand to indicate that you have a question.
- Step Up. Step Back. Please limit your questions/comments to allow all to participate. Be as concise as possible.
- Stay on topic. Take any side conversations offline so as not to disturb others.
- Be conscious of potential conflicts of interest and disclose to meeting chairs when they arise, so they can be managed appropriately.

### **Staff Contacts:**

**MOA:** Amanda Mahan, Executive Director, 207-623-1101 [amahan@mainedo.org](mailto:amahan@mainedo.org)

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Andrew Maclean, Chief Executive Officer, 207-480-4187 Direct [amaclean@mainemed.com](mailto:amaclean@mainemed.com)

**The Mission of the Maine Medical Association is to: SUPPORT Maine Physicians, enhance the quality of medicine in Maine, and PROMOTE the health of all Maine people.**

**The Maine Osteopathic Association's mission is to serve the osteopathic profession in the state of Maine through a coordinated effort of professional education, professional advocacy, and member services in order to ensure the quality of osteopathic care to the people of this state.**

