

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
116TH LEGISLATURE**

**FIRST REGULAR SESSION**

**BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
HUMAN RESOURCES**

**JULY 1993**

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**ONE HUNDRED AND SIXTEENTH LEGISLATURE  
FIRST REGULAR SESSION**

**JOINT STANDING COMMITTEE  
BILL SUMMARIES**

**JULY 1993**

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>P&amp;S XXX</i>	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of enacted Resolve</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>CARRIED OVER</i>	<i>Bill carried over to Second Session</i>
<i>ONTP</i>	<i>Ought Not to Pass report accepted</i>
<i>ENACTMENT FAILED</i>	<i>Bill failed to get majority vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>FAILED EMERGENCY ENACTMENT</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>DIED BETWEEN BODIES</i>	<i>House &amp; Senate disagree; bill died</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference formed but unable to agree</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>

These summaries were prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond and Valarie Parlin.

If you have any suggestions or comments on these summaries, please let us know.

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provisions are moved into the new chapter enacted by the bill and amended to reflect its actual duties.

3. Several clarifying amendments are made to ensure that the legislation is consistent with state and federal law.
4. A statutory section requiring maintenance of the current 10 resource development centers is sunsetted on June 30, 1994, giving the Child Care Advisory Council time to submit its recommendations regarding the number and role of the centers.
5. Membership of the Child Care Advisory Council is revised to reflect the broad representation that currently exists on the Department of Human Services' child care advisory committee. This allows the council to replace the existing committee. Also, the duties of the council are clarified in light of the decision not to create a separate coordination committee.
6. Rather than specifying local officials who may perform fire inspections, the amendment directs the State Fire Marshal to establish standards and certify inspection technicians.
7. A section of the bill requiring the development of an automated child care eligibility and data base system is stricken. These functions are expected to be incorporated into the so-called FAMIS computer system that is being developed by the Department of Human Services.

The amendment also adds a fiscal note to the bill.

**LD 775      An Act to Restructure AIDS Services and Education      ONTP**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
CATHCART	ONTP	

**SUMMARY**

To the extent permitted by federal law, this bill consolidates State AIDS programs in the Bureau of Health within the Department of Human Services.

**LD 791      An Act to Eliminate the Prescription Requirement for Hypodermic Syringes      PUBLIC 394**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>		<b>AMENDMENTS ADOPTED</b>	
RYDELL	OTP-AM	MAJ	H-388	
CATHCART	ONTP	MIN	H-418	RUHLIN
			H-521	TREAT

**SUMMARY**

This bill removes the requirement that a person have a prescription or be an authorized user of needles to obtain a hypodermic apparatus. The bill allows a person who is 18 years of age or older to purchase a hypodermic apparatus from an authorized seller. Authorized sellers include pharmacists and manufacturers. Criminal immunity is provided for persons who sell or buy needles in accordance with the provisions of the bill.

Amendment H-388 adds veterinarians and agricultural supply stores to the list of authorized sellers of needles.

Amendment H-418 adds manufacturers and dealers of medical and dental supplies to the list of authorized sellers of needles.

Amendment H-521 clarifies that the bill does not provide immunity from the drug paraphernalia laws when needles are used to inject illegal drugs.

**LD 817      An Act to Encourage Fair Medicare Payments to Hospitals and to Extend the Implementation Date for Certain Outpatient Revenue Limits      PUBLIC 458**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
SIMONDS PARADIS J	OTP-AM	H-514

**SUMMARY**

Under current law, hospitals must absorb the costs of pursuing Medicare appeals, even though all of the increases in Medicare payments resulting from pursuit of the appeals benefit the other payors for hospital services, rather than the hospital itself. This bill provides that the Maine Health Care Finance Commission will not count Medicare payments in determining hospital revenue limits to the extent that those payments cover the costs of appeals. Increased payments over and above the cost of the appeal or increased payments in future years once the costs of appeal have been recovered will still be counted by the Maine Health Care Finance Commission and will reduce the hospital's revenue limit. The bill also encourages hospitals to engage in research and demonstration projects to improve the effectiveness and efficiency of the services provided by supplementing support of those projects facilitated by the commission's Management Support Fund.

Amendment H-514 deletes the bill's sections relating to research and demonstration projects and amends the section relating to Medicare appeals to allow adjustment only for a successful appeal and only if the cost of the appeal was not previously considered in a hospital's base year budget. The amendment also requires the Maine Health Care Finance Commission to report to the Legislature regarding the Medicare appeals. It also adds a fiscal note to the bill.

**LD 891      An Act to Direct the Department of Human Services to Apply for a Medicaid Waiver for Home-based Care for Persons with HIV/AIDS      ONTP**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
CATHCART PARADIS J	ONTP	

**SUMMARY**

This bill requires the Department of Human Services to apply for a waiver under the Medicaid program to cover home-based care services for the persons with HIV/AIDS.