

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
116TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
HUMAN RESOURCES

MAY 1994

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

**JOINT STANDING COMMITTEE  
BILL SUMMARIES**

**MAY 1994**

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, 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:

*PUBLIC XXX*

*P&S XXX*

*RESOLVE XXX*

*CON RES XXX*

*EMERGENCY*

*ONTP*

*INDEF PP*

*FAILED ENACTMENT*

*FAILED EMERGENCY ENACTMENT*

*FAILED MANDATE ENACTMENT*

*DIED BETWEEN BODIES*

*CONF CMTE UNABLE TO AGREE*

*VETO SUSTAINED*

*UNSIGNED*

*DIED ON ADJOURNMENT*

*Chapter # of enacted Public Law*

*Chapter # of enacted Private & Special Law*

*Chapter # of enacted Resolve*

*Chapter # of Constitutional Resolution passed by both Houses*

*Enacted law takes effect sooner than 90 days*

*Ought Not to Pass report accepted*

*Bill Indefinitely Postponed*

*Bill failed to get majority vote*

*Emergency bill failed to get 2/3 vote*

*Bill imposing local mandate failed to get 2/3 vote*

*House & Senate disagree; bill died*

*Committee of Conference unable to agree; bill died*

*Legislature failed to override Governor's Veto*

*Not signed by Governor within 10 days*

*Action incomplete when session ended; bill died*

These summaries were prepared by the analyst or analysts assigned to the committee. If you have any suggestions or comments on the summaries, please let us know.

5581LHS

**LD 1715      Resolve, to Extend the Reporting Date of the Study to  
Identify the Extent of Violence among Children**

**RESOLVE 44  
EMERGENCY**

**SPONSOR(S)**

**COMMITTEE REPORT**  
OTP

**AMENDMENTS ADOPTED**

**SUMMARY**

This resolve extends the deadline by which the Department of Human Services, Bureau of Health shall report its study to identify the extent of the problem of violence among children, teens and young adults in the State from November 1, 1993 to February 15, 1994.

**LD 1716      Resolve, to Extend the Reporting Deadline of the Health and  
Social Services Transition Team**

**RESOLVE 45  
EMERGENCY**

**SPONSOR(S)**

**COMMITTEE REPORT**  
OTP

**AMENDMENTS ADOPTED**

**SUMMARY**

This resolve extends the reporting deadline of the Health and Social Services Transition Team from January 1, 1994 to February 1, 1994.

**LD 1724      Resolve, to Promote Consumer Choice, Competition and  
Quality in Mental Retardation Services**

**RESOLVE 48**

**SPONSOR(S)**  
FITZPATRICK

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
H-724

**SUMMARY**

This resolve requires the Department of Mental Health and Mental Retardation to implement a voucher system as the sole means to purchase community-based supportive services for persons with mental retardation and to submit a plan for implementing the voucher system to the Legislature. This resolve also directs the Department of Human Services and the Department of Mental Health and Mental Retardation to pursue federal waivers that would result in the elimination of all intermediate care facility for the mentally retarded-group beds and limit the number of intermediate care facility for the mentally retarded-nursing beds to 15 in favor of Medicaid-reimbursable supportive living arrangements.

COMMITTEE AMENDMENT A (H-724) replaces the requirements in the original resolve that a voucher system be implemented, that intermediate care facilities for persons with mental retardation be phased out, and that rules be adopted with a requirement that the Department of Mental Health and Mental Retardation prepare a plan for improving the mental retardation service system. The plan must address, but is not limited to, service options that promote consumer choice and mobility, quality systems that measure consumer satisfaction, reimbursement mechanisms that provide predictability, and a guardianship system that avoids conflicts of interest. The Department of Mental Health and Mental Retardation is required to submit the plan to the Legislature by January 15, 1995. The Joint Standing Committee on Human Resources is given authority to report out a bill during the First Regular Session of the 117th Legislature to authorize all or part of the plan. The amendment also adds a fiscal note to the bill.

**LD 1725      An Act to Ensure Accountability in Community Services for  
People with Mental Retardation**

**ONTP**

**SPONSOR(S)**  
TREAT

**COMMITTEE REPORT**  
ONTP

**AMENDMENTS ADOPTED**

## **SUMMARY**

This bill requires the Department of Human Services to establish principles of prospective reimbursement for community services for persons with mental retardation that recognize the need for recruitment and retention of qualified staff and that are similar to the principles of reimbursement for intermediate care facilities for persons with mental retardation.

See also LD 1724.

### **LD 1732      An Act to Establish a System of Performance-based Agreements for the Provision of Certain Social Services**

**PUBLIC 737**

#### **SPONSOR(S)**

#### **COMMITTEE REPORT**

#### **AMENDMENTS ADOPTED**

OTP-AM

H-794

S-630      PEARSON

## **SUMMARY**

This bill implements the recommendations of the Administrative Costs Task Force established in Private and Special Law 1993, chapter 48. Specifically, this bill requires the Department of Human Services; the Department of Mental Health and Mental Retardation; the Department of Corrections; the Office of Substance Abuse within the Executive Department; and the regional mental health authority board for Region V, established pursuant to Public Law 1991, chapter 781 to utilize performance-based contracts to purchase direct client services. This bill requires a phased-in approach allowing time for planning, development and partial implementation before a complete conversion to a performance-based system. This bill also establishes the Oversight Committee on Performance-based Contracting to monitor the progress of the affected agencies.

COMMITTEE AMENDMENT A (H-794) does the following.

It removes the requirement that the Department of Corrections implement a system of performance-based contracts and directs the Oversight Committee on Performance-based Contracting to study whether that department should be required to implement performance-based contracting in the future.

It clarifies that the one-year hold-harmless provisions apply to contractors of the regional mental health authority board.

It prohibits compensation or expenses from being paid to members of the Oversight Committee on Performance-based Contracting and it clarifies how appointments to that committee are made.

It adds a fiscal note to the bill.

SENATE AMENDMENT A (S-630) requires that the Departments of Human Services and Mental Health and Mental Retardation, rather than the Legislative Council, provide staffing assistance to the Oversight Committee on Performance-based Contracting.

### **LD 1740      An Act to Clarify Medicaid Reimbursement for New Psychiatric Hospitals**

**ONTP**

#### **SPONSOR(S)**

#### **COMMITTEE REPORT**

#### **AMENDMENTS ADOPTED**

CAMPBELL  
BALDACCI

ONTP