

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

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

SUMMARY

Under this bill, a psychiatric hospital that begins operation on or after August 1, 1993 is guaranteed that the terms of an executed provider enrollment agreement will be honored and that Medicaid reimbursement will be made. The bill also ensures that the terms of any state Medicaid plan and Maine Health Care Finance Commission rules concerning disproportionate share payments apply to new psychiatric hospitals.

This bill would have settled a dispute between the Department of Human Services and Acadia Hospital in favor of the hospital. The Department and the hospital reached an agreement to the dispute that made the bill unnecessary.

LD 1753 Resolve, to Extend the Reporting Date of the Healthy Start Task Force Report

**RESOLVE 54
EMERGENCY**

SPONSOR(S)
FAIRCLOTH
PARADIS J

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-769

SUMMARY

This resolve extends the reporting deadline of the Healthy Start Task Force from November 1, 1993 to December 15, 1994.

COMMITTEE AMENDMENT A (H-769) makes technical corrections and adds a fiscal note to the resolve.

LD 1792 An Act to Authorize Use of Civil Administrative Penalty Authority and Administrative Order Authority Against Violation of Federal and State Drinking Water Laws, Regulations and Rules

**PUBLIC 678
EMERGENCY**

SPONSOR(S)
PENDEXTER

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-864
S-559 PARADIS J

SUMMARY

This bill provides administrative enforcement authority to the Department of Human Services to compel compliance with state and federal drinking water laws. It authorizes the department to impose civil administrative penalties and orders against public water systems without having to go through the judicial system.

COMMITTEE AMENDMENT A (H-864) replaces the original bill. It gives the Department of Human Services administrative powers to enforce the drinking water laws, as did the original bill, but it differs from the original bill in the following ways.

It establishes a sequence of progressive remedies, beginning with an administrative consent order. This requires the Department of Human Services to attempt to negotiate an agreement with a violator before issuing compliance orders or levying penalties.

It makes penalties optional when a compliance order is issued. The original bill made penalties mandatory at that stage.

It suspends the accrual of penalties during an appeal process, unless the appeal is found to be frivolous.