

MAINE STATE LEGISLATURE

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**STATE OF MAINE
118TH LEGISLATURE**

**FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION**

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
HEALTH AND HUMAN SERVICES**

JULY 1997

MEMBERS:

Sen. Judy Paradis, Chair

Sen. Susan W. Longley

Sen. Betty Lou Mitchell

Rep. J. Elizabeth Mitchell, Chair

Rep. Joseph E. Brooks

Rep. Elaine Fuller

Rep. Thomas J. Kane

Rep. Wendy Pieh

Rep. Michael W. Quint

Rep. Glenys P. Lovett

Rep. Jeffery G. Joyner

Rep. Tarren R. Bragdon

Rep. Lois A. Snowe-Mello

Staff:

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Maine State Legislature

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**ONE HUNDRED EIGHTEENTH LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees
August 1997**

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

- CARRIED OVER*.....*Bill carried over to Second Regular Session*
- CON RES XXX*.....*Chapter # of Constitutional Resolution passed by both Houses*
- CONF CMTE UNABLE TO AGREE*.....*Committee of Conference unable to agree; bill died*
- DIED BETWEEN BODIES*.....*House & Senate disagree; bill died*
- DIED IN CONCURRENCE*.....*One body accepts ONTP report; the other indefinitely postpones the bill*
- DIED ON ADJOURNMENT*.....*Action incomplete when session ended; bill died*
- EMERGENCY*.....*Enacted law takes effect sooner than 90 days*
- FAILED EMERGENCY ENACTMENT/FINAL PASSAGE*.....*Emergency bill failed to get 2/3 vote*
- FAILED ENACTMENT/FINAL PASSAGE*.....*Bill failed to get majority vote*
- FAILED MANDATE ENACTMENT*.....*Bill imposing local mandate failed to get 2/3 vote*
- INDEF PP*.....*Bill Indefinitely Postponed*
- ONTP*.....*Ought Not To Pass report accepted*
- OTP ND*.....*Committee report Ought To Pass In New Draft*
- OTP ND/NT*.....*Committee report Ought To Pass In New Draft/New Title*
- P&S XXX*.....*Chapter # of enacted Private & Special Law*
- PUBLIC XXX*.....*Chapter # of enacted Public Law*
- RESOLVE XXX*.....*Chapter # of finally passed Resolve*
- UNSIGNED*.....*Bill held by Governor*
- VETO SUSTAINED*.....*Legislature failed to override Governor's Veto*

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 26, 1997 and September 19, 1997 for the First Special Session.

David E. Boulter, Director

Offices Located in the State House, Rooms 101/107/135

LD 413

An Act to Ban All Smoking within Workplaces, Restaurants and Public Accommodations

DIED BETWEEN BODIES

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	ONTP A	
TOWNSEND	OTP-AM B	
	OTP-AM C	

LD 413 proposed to ban smoking in all workplaces, restaurants and other places of public accommodation.

Committee Amendment "A" (S-198) proposed to replace the bill, prohibiting smoking in restaurants, except for those with separate bars in which smoking is allowed, and requiring taverns and lounges to have no-smoking areas similar to the no-smoking areas currently in restaurants. It would have added a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-225) proposed to amend Committee Amendment "A." It would have retained the ban on smoking in restaurants, while allowing smoking in Class A lounges and separate, enclosed areas of restaurants used primarily for serving alcoholic beverages. It would have removed the requirement that taverns and lounges set up no-smoking areas.

Committee Amendment "B" (S-199) proposed to replace the bill. It would have required lounges and taverns to establish no-smoking areas similar to the current no-smoking areas in restaurants and allowed wait staff in restaurants with smoking and no-smoking areas to have a choice of working in no-smoking or smoking areas. It would have required a report from the Commissioner of Human Services by January 1, 1998 on the standard used in no-smoking areas of restaurants, "reasonably calculated to meet the needs of the nonsmoking public", and added a fiscal note to the bill.

LD 422

An Act to Improve the Delivery of Substance Abuse Services in Maine

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING	ONTP	
MCKEE		

LD 422 proposed to require the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to award contracts for services based on performance-based contracting, eliminating the right of the commissioner to reject bids. The bill would have applied retroactively to November 1, 1996.

LD 441

An Act to Prohibit Family Planning Agencies from Using State Funds for Certain Expenses Related to Abortion Services

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AHEARNE	ONTP	

LD 441 proposed to prohibit the use of state funds for construction or rent payments for facilities at which abortion services are provided or to fund abortions or abortion referral services.

LD 443 **An Act to Require Criminal Background Checks for Home Health Care Workers** **ONTP**

<u>Sponsor(s)</u> LEMKE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 443 proposed to protect clients of home health care providers by requiring criminal background checks on employees of the provider.

See LD 1046, Resolves 1997, chapter 29, establishing the Task Force on Registration of In-home Personal Care and Support Workers.

LD 445 **An Act to Assist Low-income Working Parents** **ONTP**

<u>Sponsor(s)</u> MITCHELL J MICHAUD		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 445 proposed to allow families receiving AFDC (now TANF) to continue to receive some amount of financial assistance until their work earnings are sufficient to meet their basic needs.

See LD 1896, Public Law 1997, chapter 530.

LD 455 **An Act to Create a Compliance Plan for Certain Residents of Mental Health Facilities** **ONTP**

<u>Sponsor(s)</u> MARVIN MITCHELL B		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 455 proposed to require that before a patient or resident who is determined to be predisposed to violence may be discharged from a mental health facility or institute, the Department of Mental Health, Mental Retardation and Substance Abuse Services must prepare an individual compliance plan to ensure that the person continues on any necessary course of medication. The bill would have required that if the patient fails to take the medication or refuses to submit to tests to determine whether the medication is continuing to be taken, then the person would be returned to the facility or institute.