

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
118TH LEGISLATURE

SECOND REGULAR SESSION  
AND  
SECOND SPECIAL SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
HEALTH AND HUMAN SERVICES

MAY 1998

*MEMBERS:*

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*Sen. Susan W. Longley*  
*Sen. Betty Lou Mitchell*

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

**Summary Of Legislation Before The Joint Standing Committees**  
**May 1998**

We are pleased to provide this summary of bills that were considered by the Joint Standing Committees of the Maine Legislature. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. 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 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](http://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:

- 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 Second Regular Session (unless otherwise specified in a particular law) is June 30, 1998 and July 9, 1998 for the Second Special Session. Second Special Session laws include Public Laws beginning with Chapter 718, Private and Special Laws beginning with Chapter 82 and Resolves beginning with Chapter 117.

The law brings the handling of information related to human immune deficiency virus, or HIV, into conformance with the handling of other health information with the exception that it prohibits reliance on implied consent for HIV information. Reliance on consent implied from a person's conduct is also prohibited for disclosures of mental health information. Written or oral authorization may be the basis for disclosures for the purpose of marketing or sales.

The law allows for enforcement through a civil action brought by the Attorney General or an individual aggrieved by conduct in violation of the provisions of the law. It allows for the recovery of an individual's costs but not attorney's fees in such an action.

The law applies the requirements for authorizations and disclosures of health care information to all authorizations and disclosures on or after January 1, 1999.

**LD 1750**

**An Act Concerning the Rights of Children with Special Needs**

**ONTP**

<u>Sponsor(s)</u> MITCHELL J		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1750 proposed to address the issue posed in In Re: Shawn H., 667 A. 2d 1377 (Me. 1995), in which a parent of a child with special needs who did not have the resources to meet those needs was forced to relinquish custody of the child to the State even though the parent was not unfit. This bill proposed principles of operation that the Department of Mental Health, Mental Retardation and Substance Abuse Services, in cooperation with the Department of Human Services, the Department of Education and the Department of Corrections, would be required to adhere to in developing and delivering services to children with special needs. The bill proposed to require the department biennially to provide an assessment to the parent or guardian of a child with special needs identifying that child's special needs and the resources necessary to meet those needs. The bill proposed to require the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to report annually to the Legislature on the individual assessments performed, the needs identified and the estimated costs to meet those needs.

This bill proposed to establish Interdepartmental Children's Ombudsmen who would be hired by and report to the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services, the Commissioner of Education and the Commissioner of Human Services. The ombudsmen would have been directed to advocate for the rights and dignity of children with special needs, receive complaints, resolve disputes, act as information sources and make recommendations.

See the committee bill on children's mental health, LD 2295.