

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

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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:

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

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

[Sponsor\(s\)](#)[Committee Report](#)[Amendments Adopted](#)

LD 1893 is the report of the Joint Standing Committee on Health and Human Services. It would require a home day care provider who cares for more than 2 unrelated children under 13 years of age to be certified and a day care center to be licensed and directs the Commissioner of Human Services to adopt rules regulating home day care providers and day care centers. It would allow a home day care provider to care for children in the custody of the provider in addition to those children counted as day care children. It proposed to amend current law on day care facilities by renaming them day care centers and lowering the age of the children cared for from under 16 years of age to under 13 years of age. It would have required the Office of the State Fire Marshal to inspect a day care center, nursery school or premises of a certified home day care provider at least every 2 years. It would require uncertified providers of care for one or 2 children whose care is paid for by state or federal funds to pass a background check, a check for involvement with child protective services and a motor vehicle record check. It would require the Department of Human Services to provide information to those providers about health and safety, physical premises safety and training opportunities in health and safety, first aid and cardiopulmonary resuscitation and early care and education. It would allow the department to inspect the site and added a fiscal note.

Enacted law summary

Public Law 1997, chapter 494 requires a home day care provider who cares for more than 2 unrelated children under 13 years of age to be certified and a day care center to be licensed and directs the Commissioner of Human Services to adopt rules regulating home day care providers and day care centers. It allows a home day care provider to care for children in the custody of the provider in addition to those children counted as day care children. It amends current law on day care facilities by renaming them day care centers and lowering the age of the children cared for from under 16 years of age to under 13 years of age. It requires the Office of the State Fire Marshal to inspect a day care center, nursery school or premises of a certified home day care provider at least every 2 years. It requires uncertified providers of care for one or 2 children whose care is paid for by state or federal funds to pass a background check, a check for involvement with child protective services and a motor vehicle record check. It requires the Department of Human Services to provide information to those providers about health and safety, physical premises safety and training opportunities in health and safety, first aid and cardiopulmonary resuscitation and early care and education. It allows the department to inspect the site.

[Sponsor\(s\)](#)[Committee Report](#)[Amendments Adopted](#)

LD 1896, the committee report, proposed to establish the Temporary Assistance for Needy Families program, TANF, to replace the Aid for Families with Dependent Children, AFDC, that is administered by the Department of Human Services. Federal participation in the AFDC program ended with the passage of federal welfare reform legislation, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105. The bill proposed to do the following.

1. Direct the Department of Human Services to work collaboratively on child care services, employment and vocational services, education and mental health, mental retardation and substance abuse services and economic development.
2. Direct the Department of Human Services to administer the TANF program in a manner that continues the \$50 pass through of child support, provide medical and financial assistance to certain noncitizens, provide benefits to certain families based on incapacity of a parent, provide assistance to dependent children 19 to 21 years of age who are still in secondary school, provide assistance to pregnant women and continue the special housing allowance.
3. Continue the philosophical underpinning of AFDC, promoting support by both parents, moving families to sustainable employment, using job training partnerships and minimizing teenage pregnancies.
4. Provide transitional support services for Medicaid and transportation expenses for persons leaving TANF and provide child care assistance for those families and other low-income families.
5. Specify procedural requirements for applications, decisions and appeals regarding TANF assistance and rulemaking.
6. Provide an opportunity for a good cause determination regarding domestic violence and consider such a determination in the offering of services and the participation requirements.
7. Provide for the treatment of lump sum income by families, allowing use of the income for specified purposes without disqualification from TANF.
8. Require annual reports to the Legislature on the TANF program and notification to the Legislature on applications for federal waivers.
9. Broaden the current use of the family contract between the department and the TANF recipient and home visits of TANF applicants and recipients, allow the department to verify eligibility and require information on the earned income tax credit.
10. Establish an increased earned income disregard for TANF recipients in 8 counties, funded with state funds.
11. Maintain the requirements that minor parents live in a home supervised by an adult, except in certain circumstances, and receive their benefits in voucher form.
12. Require the department to provide an alternative aid program to help families avoid TANF assistance and an emergency assistance program for help with basic necessities.
13. Require the department to provide education on nutrition, food preparation and home and money management.
14. Maintain the provisions applicable to AFDC on receipt of federal grants, payments to guardians or conservators, inalienability of assistance, parental responsibility, fraud and disbursements.
15. Changes the ASPIRE-JOBS program into the ASPIRE-TANF program, adding provisions for good cause determinations regarding domestic violence and incentives for agencies to work with families facing multiple barriers to obtaining employment.

16. Maintain the family planning peer education initiative in ASPIRE-TANF.
17. Maintain the Interdepartmental Welfare Reform Committee, changing its focus to working with businesses regarding education and job placement.
18. Change the AFDC Advisory Council into the TANF Advisory Council, adding a subcommittee on the Parents as Scholars Program and postsecondary education.

This bill would have established the Parents as Scholars Program, a separate state-funded program providing assistance to parents pursuing 2-year and 4-year postsecondary degrees and allocate and appropriate funds from state and federal sources.

This bill would be emergency legislation and would take effect when enacted.

Enacted law summary

Public Law 1997, Chapter 530, comprises the provisions of the bill, without amendment. See bill description.

This law establishes the Temporary Assistance for Needy Families program, TANF, to replace the Aid for Families with Dependent Children, AFDC, that is administered by the Department of Human Services. Federal participation in the AFDC program ended with the passage of federal welfare reform legislation, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105. The bill does the following.

1. Direct the Department of Human Services to work collaboratively on child care services, employment and vocational services, education and mental health, mental retardation and substance abuse services and economic development.
2. Direct the Department of Human Services to administer the TANF program in a manner that continues the \$50 pass through of child support, provide medical and financial assistance to certain noncitizens, provide benefits to certain families based on incapacity of a parent, provide assistance to dependent children 19 to 21 years of age who are still in secondary school, provide assistance to pregnant women and continue the special housing allowance.
3. Continue the philosophical underpinning of AFDC, promoting support by both parents, moving families to sustainable employment, using job training partnerships and minimizing teenage pregnancies.
4. Provide transitional support services for Medicaid and transportation expenses for persons leaving TANF and provide child care assistance for those families and other low-income families.
5. Specify procedural requirements for applications, decisions and appeals regarding TANF assistance and rulemaking.
6. Provide an opportunity for a good cause determination regarding domestic violence and consider such a determination in the offering of services and the participation requirements.
7. Provide for the treatment of lump sum income by families, allowing use of the income for specified purposes without disqualification from TANF.

8. Require annual reports to the Legislature on the TANF program and notification to the Legislature on applications for federal waivers.
9. Broaden the current use of the family contract between the department and the TANF recipient and home visits of TANF applicants and recipients, allow the department to verify eligibility and require information on the earned income tax credit.
10. Establish an increased earned income disregard for TANF recipients in 8 counties, funded with state funds.
11. Maintain the requirements that minor parents live in a home supervised by an adult, except in certain circumstances, and receive their benefits in voucher form.
12. Require the department to provide an alternative aid program to help families avoid TANF assistance and an emergency assistance program for help with basic necessities.
13. Require the department to provide education on nutrition, food preparation and home and money management.
14. Maintain the provisions applicable to AFDC on receipt of federal grants, payments to guardians or conservators, inalienability of assistance, parental responsibility, fraud and disbursements.
15. Changes the ASPIRE-JOBS program into the ASPIRE-TANF program, adding provisions for good cause determinations regarding domestic violence and incentives for agencies to work with families facing multiple barriers to obtaining employment.
16. Maintain the family planning peer education initiative in ASPIRE-TANF.
17. Maintain the Interdepartmental Welfare Reform Committee, changing its focus to working with businesses regarding education and job placement.
18. Change the AFDC Advisory Council into the TANF Advisory Council, adding a subcommittee on the Parents as Scholars Program and postsecondary education.

This bill establishes the Parents as Scholars Program, a separate state-funded program providing assistance to parents pursuing 2-year and 4-year postsecondary degrees and allocates and appropriates funds from state and federal sources. This law takes effect June 12, 1997.

LD 1898

An Act to Discourage Smoking by Maine's Youth

INDEF PP

Sponsor(s)
CAMERON

Committee Report

Amendments Adopted

LD 1898 proposed to provide for an increase in the cigarette tax rate to 37 mills per cigarette in order to fund a Tobacco Prevention and Control Program and would have deposited the balance of the revenue generated by the increase in the cigarette tax to the tax relief fund.

See also LDs 1887 and 1888.