

# 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.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARNSWORTH	OTP-AM	H-1055 S-723 MICHAUD

LD 1996 proposed to establish the authority of the Department of Human Services to determine the necessary regulations that must be adhered to before Medicaid program funds can be used for the provision of Medicaid eligible services delivered through the educational system or the early intervention system. The bill also proposed to specify that Medicaid funds can only be provided for school-based educational services or early intervention services that are provided by qualified service providers approved by the Department of Human Services, Bureau of Medical Services.

**Committee Amendment "A" (H-1055)** proposed to replace the bill and change it to a resolve. It proposed to require a report on Medicaid services provided in or by school administrative units, state intermediate educational units and the Child Development Services System. It also proposed to add an appropriation, an allocation and a fiscal note.

**Senate Amendment "A" to Committee Amendment "A" (S-723)** proposed to remove the appropriation and allocation sections of Committee Amendment "A".

*Enacted law summary*

Resolve 1997, chapter 123 comprises the provisions of Committee Amendment "A" and Senate Amendment "A". The resolve requires an audit and a report on Medicaid services provided in or by school administrative units, state intermediate educational units and the Child Development Services System. The report must be provided to the joint standing committees of the Legislature on education and cultural affairs and health and human services by January 1, 1999.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROOKS PINGREE	OTP-AM	H-904 S-559 PARADIS

LD 2005 proposed to bring the State's safe drinking water laws into conformance with the federal Safe Drinking Water Act in order to maintain primacy over drinking water.

The bill also proposed to establish provisions for small system variances. It proposed to authorize the Commissioner of Human Services to adopt a source water assessment program and a capacity development program. It proposed to grant the Advisory Board for Licensure of Water Treatment Plant Operators authority to classify public water systems.

**Committee Amendment "A" (H-904)** proposed to replace the bill. This amendment proposed to correct dates in the current state safe drinking water laws, updated the laws to conform with federal drinking water requirements

and make more specific the permit requirements and authority of the Department of Human Services to revoke permits for construction, alteration, operation and maintenance of public drinking water systems. It proposed to clarify that fees related to primacy of drinking water jurisdiction are annual operation fees. The amendment proposed to allow the Commissioner of Human Services to adopt major substantive rules establishing a permit process for public water systems.

The amendment proposed to establish provisions for small system variances. It proposed to authorize the Commissioner of Human Services to adopt a source water quality assessment program and a capacity development program. Finally, the amendment proposed to grant the Board of Licensure of Water Treatment Plant Operators authority to classify public water systems.

The amendment also proposed to add a fiscal note.

**Senate Amendment "A" to Committee Amendment "A" (S-559)** proposed to authorize the Commissioner of Human Services to adopt rules establishing a permitting process for the public water systems.

***Enacted law summary***

Public Law 1997, chapter 705 comprises the provisions of Committee Amendment "A" and Senate Amendment "A". It corrects dates in the current safe drinking water laws, updates the laws to conform with federal drinking water requirements and makes more specific the permit requirements and authority of the Department of Human Services to revoke permits for construction, alteration, operation and maintenance of public drinking water systems. It clarifies that fees related to primacy of drinking water jurisdiction are annual operation fees. It authorizes the Commissioner of Human Services to adopt rules establishing a permit process for public water systems. Rules adopted regarding permitting are major substantive rules.

The law establishes provisions for small system variances. It authorizes the Commissioner of Human Services to adopt a source water quality assessment program and a capacity development program. It grants the Board of Licensure of Water Treatment Plant Operators authority to classify public water systems.

**LD 2032**

**An Act Regarding Receivership Authority for Protection of Individuals Receiving Services from the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Department of Human Services**

**PUBLIC 610  
EMERGENCY**

<u>Sponsor(s)</u> MITCHELL B FISHER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-555
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LD 2032 proposed to establish a mechanism to enable the Department of Mental Health, Mental Retardation and Substance Abuse Services to apply to Superior Court for appointment as a receiver. The bill proposed to specify the grounds for appointment as well as the conditions governing the exercise of the authority of the receiver.

**Committee Amendment "A" (S-555)** proposed to replace the bill. It proposed to redefine the entities over which the Department of Mental Health, Mental Retardation and Substance Abuse Services may exercise receivership authority to be providers of services licensed or funded, in whole or in part, by the department. It proposed to grant to the Department of Human Services receivership authority over private psychiatric hospitals and proposed to