

# 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.

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>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL B FISHER	OTP-AM	S-555

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

require the department, prior to exercising such power, to consult with the Department of Mental Health, Mental Retardation and Substance Abuse Services. It proposed to delete reference to long-term care facilities and home health care providers. It proposed to exclude state employees from the persons who may be appointed as receivers. It proposed to make a few grammatical corrections and add a fiscal note.

***Enacted law summary***

Public Law 1997, chapter 610 comprises the provisions of Committee Amendment “A”. It authorizes the Department of Mental Health, Mental Retardation and Substance Abuse Services to petition a court for receivership authority over providers of services licensed or funded, in whole or in part, by the department. It grants to the Department of Human Services receivership authority over private psychiatric hospitals and requires the department, prior to exercising such power, to consult with the Department of Mental Health, Mental Retardation and Substance Abuse Services. It excludes state employees from the persons who may be appointed as receivers. It makes a few grammatical corrections. The law takes effect March 20, 1998.

**LD 2060**

**An Act Regarding Personal Care Assistance Services**

**PUBLIC 734  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
QUINT MITCHELL B	OTP-AM	H-977 S-729 MICHAUD

LD 2060 proposed to consolidate the administration of home health services in the Department of Human Services, Bureau of Elder and Adult Services. The bill also proposed to direct the bureau to establish a standard reimbursement rate for personal care assistance services.

**Committee Amendment "A" (H-977)** proposed to replace the bill. It proposed to insert a new title to more accurately reflect the bill and emergency language. It proposed to repeal the personal care assistance services program in the Maine Revised Statutes, Title 26 and re-enacted it in Title 22, moving the program from the Department of Labor to the Department of Human Services. It proposed to require a report from the Commissioner of Human Services, in conjunction with the Long-term Care Steering Committee, on reimbursement rates for personal care assistance services and the future role and duties of the committee. It proposed to require a report from the commissioners of the 2 departments on the transfer and transition. It proposed to increase the membership on the Long-term Care Steering Committee by 2 members. It would have changed the membership of the multidisciplinary team in home and community support services for adults from one social services professional and one health care professional to one social services professional or one health care professional. It also would have added a fiscal note.

**Senate Amendment "A" to Committee Amendment "A" (S-729)** proposed to replace the appropriation section to reflect the actual amount available for transfer out of the Rehabilitation Services program within the Department of Labor.

***Enacted law summary***

Public Law 1997, chapter 734 comprises the provisions of Committee Amendment “A” and Senate Amendment “A” to Committee Amendment “A”. It repeals the personal care assistance services program in the Maine Revised Statutes, Title 26 and re-enacts it in Title 22, moving the program from the Department of Labor to the Department