

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

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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).

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.

LD 2161

Resolve, to Extend the Commission to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities

**RESOLVE 129
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-857 H-881 CAMERON S-735 MICHAUD

LD 2161 proposed to provide supplemental funding for the Commission to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities.

Committee Amendment "A" (H-857) proposed to replace the resolve. It proposed to retain the provisions of the resolve that extend the existence of the Commission to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities and appropriate \$10,000 for the expenses of the commission. It proposed to add provisions that change the focus of the study from long-term care to nursing facility care, add one consumer representative and add to the duties of the commission the responsibility to study mechanisms to provide consumer input into the reimbursement mechanism for Medicaid reimbursement and salaries, dividends and management fees in nursing facilities. The amendment also proposed to add a fiscal note.

House Amendment "A" to Committee Amendment "A" (H-881) was presented on behalf of the Committee on Bills in the Second Reading to make a technical change and format changes to the amendment.

Senate Amendment "A" to Committee Amendment "A" (S-735) proposed to more accurately reflect per diem and expense costs of legislative members of the Commission to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities.

Enacted law summary

Resolve 1997, chapter 129 comprises the provisions of Committee Amendment "A", House Amendment "A", and Senate Amendment "A" to Committee Amendment "A". The resolve provides supplemental funding for the Commission to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities and appropriates \$10,000 for the expenses of the commission. It changes the focus of the study from long-term care to nursing facility care, adds one consumer representative and adds to the duties of the commission the responsibility to study mechanisms to provide consumer input into the reimbursement mechanism for Medicaid reimbursement and salaries, dividends and management fees in nursing facilities. The resolve takes effect April 16, 1998.

LD 2170

An Act to Implement the Recommendations of the Commission to Determine the Adequacy of Services to Persons with Mental Retardation

PUBLIC 778

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1067 S-736 MICHAUD

LD 2170 proposed to implement the recommendations of the Commission to Determine the Adequacy of Services to Persons with Mental Retardation, which was created pursuant to Resolve 1997, chapter 79.

Committee Amendment "A" (H-1067) proposed to replace the bill and to do the following:

1. Designate an employee of the Department of Mental Health, Mental Retardation and Substance Abuse Services to be the adult services transition coordinator for persons leaving public education for the adult mental retardation services system;
2. Require the Department of Mental Health, Mental Retardation and Substance Abuse Services to develop and improve its management information system;
3. Require a report on person-centered planning and budgeting in accordance with such planning from the Department of Mental Health, Mental Retardation and Substance Abuse Services;
4. Require the Department of Mental Health, Mental Retardation and Substance Abuse Services to undertake a public information and education program;
5. Require the Department of Mental Health, Mental Retardation and Substance Abuse Services to take steps to encourage fair compensation for direct services staff employed by community providers; and
6. Appropriate funding for increasing the wages of direct services staff employed by community providers.

The amendment also proposed to add an appropriation section and a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-736) proposed to remove the provision that required an increase in base pay and a 3% cost-of-living increase for certain direct care workers employed by community mental retardation services providers. It proposed to direct the Department of Mental Health, Mental Retardation and Substance Abuse Services to request supplemental funding for cost-based reimbursement or a cost-of-living increase during the 2000-2001 biennium.

Enacted law summary

Public Law 1997, chapter 778 comprises the provisions of Committee Amendment "A" and Senate Amendment "A" to Committee Amendment "A". The law implements some of the recommendations of the Commission to Determine the Adequacy of Services to Persons with Mental Retardation, which was created pursuant to Resolve 1997, chapter 79. The law does the following:

1. Designates an employee of the Department of Mental Health, Mental Retardation and Substance Abuse Services to be the adult services transition coordinator for persons leaving public education for the adult mental retardation services system;
2. Requires the Department of Mental Health, Mental Retardation and Substance Abuse Services to develop and improve its management information system;
3. Requires a report on person-centered planning and budgeting in accordance with such planning from the Department of Mental Health, Mental Retardation and Substance Abuse Services;

4. Requires the Department of Mental Health, Mental Retardation and Substance Abuse Services to undertake a public information and education program; and

5. Requires the Department of Mental Health, Mental Retardation and Substance Abuse Services to take steps to encourage fair compensation for direct services staff employed by community providers and directs the department to request supplemental funding for cost-based reimbursement or a cost-of-living increase during the 2000-2001 biennium.

Regarding funding for mental retardation services, see PL 1997, chapter 643, Part A-1.

LD 2177 **An Act to Require Alternate Sources of Power for Elderly Housing** **ONTP**

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

LD 2177 proposed to require the Commissioner of Human Services to adopt rules to require congregate housing facilities for older persons to have generators available for emergency use to provide heat to the facilities.

LD 2207 **Resolve, Establishing the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services** **RESOLVE 120**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DONNELLY	OTP-AM MAJ OTP-AM MIN	H-936 S-737 MICHAUD

LD 2207 proposed to create the Office of Mental Health and Human Services Ombudsman, an autonomous agency designed to represent the best interests of individuals involved in the State's mental health and human services systems and to provide independent clinical oversight over cases in the State's mental health and human services systems.

Committee Amendment "A" (H-935) (Majority Report) proposed to establish the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services. It proposed to charge the task force with studying other ombudsman programs and options for the departments and require a report and legislation by December 15, 1998.

Committee Amendment " B" (H-936) (Minority Report) proposed to establish the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services. It proposed to charge the task force with studying other ombudsman programs and options for the departments and require a report and legislation by December 15, 1998. It also proposed to add 2 positions in the Office of Advocacy within the Department of Mental Health, Mental Retardation and Substance Abuse Services.