

# 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.

Public Law 1997, chapter 689 comprises the provisions of the bill and Committee Amendment "A". It simplifies the certificate of need process for health care facilities and health care services and amends the definition of "health care facility" so that the offices of dentists as well as the offices of physicians are exempt from the definition. The law takes effect October 1, 1998.

**LD 2268**                      **Resolve, to Establish the Task Force on Hospice Coverage and Palliative Pain Control**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL B MITCHELL J	ONTP	

LD 2268 proposed to establish the Task Force on Hospice Coverage and Palliative Pain Control.

**LD 2276**                      **An Act to Provide Funding for Law Enforcement and Emergency Medical Services Personnel**                      **P & S 94**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		S-745 MICHAUD

LD 2276 proposed to provide the Department of Public Safety with a one-time appropriation of \$50,000 to develop a training program for law enforcement and emergency medical services personnel. The training program would have to cover sudden infant death syndrome, critical incident stress management and interpersonal skills dealing with notification of death or serious injury.

**Senate Amendment " A " (S-745)** proposed to reduce the General Fund appropriation to \$25,000 in fiscal year 1998-99.

*Enacted law summary*

Private and Special Law, chapter 94 comprises the provisions of Senate Amendment "A". It appropriates \$25,000 for the Department of Public Safety to develop a training program for law enforcement and emergency medical services personnel to cover sudden infant death syndrome, critical incident stress management and interpersonal skills dealing with notification of death or serious injury.

**LD 2279**                      **Resolve, Regarding Legislative Review of Section 71.05(F) (11)-(13) of the Bureau of Elder and Adult Services Policy Manual, a Major Substantive Rule of the Department of Human Services, Bureau of Elder and Adult Services**                      **RESOLVE 110 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1080

LD 2279 proposed to provide for legislative review of Section 71.05: Application Process; Certificate of Need for Nursing Facility Level of Care (Policy Manual), a major substantive rule of the Department of Human Services, Bureau of Elder and Adult Services.

**Committee Amendment "A" (H-1080)** proposed to strike the original title of the resolve and replace it with one that specifies the portion of Section 71.05 of the Bureau of Elder and Adult Services Policy Manual reviewed by the Legislature. This amendment proposed to authorize final adoption of Section 71.05(F)(11)-(13) in the Bureau of Elder and Adult Services Policy Manual as long as the Department of Human Services changes a reference in Section 71.05(F)(13) subsection (b) prior to the final adoption of the rule. The reference in this section to Section 71.05(D)(6) subsection (a) would have to be changed to Section 71.05(H)(1) subsection (b) to reflect the intent of the statutory authority.

***Enacted law summary***

Resolve 1997, chapter 110 comprises the provisions of the resolve and Committee Amendment "A". This resolve provides for legislative review of Section 7105: Application Process; Certificate of Need for Nursing Facility Level of Care (Policy Manual), a major substantive rule of the Department of Human Services, Bureau of Elder and Adult Services. The new title specifies the portion of Section 71.05 of the Bureau of Elder and Adult Services Policy Manual reviewed by the Legislature. It authorizes final adoption of Section 71.05(F)(11)-(13) in the Bureau of Elder and Adult Services Policy Manual as long as the Department of Human Services changes a reference in Section 71.05(F)(13) subsection (b) prior to the final adoption of the rule. The reference in this section to Section 71.05(D)(6) subsection (a) must be changed to Section 71.05(H)(1) subsection (b) to reflect the intent of the statutory authority. The resolve takes effect April 2, 1998.

<b>LD 2281</b>	<b>Resolve, Regarding Legislative Review of Chapter 32: Rules for the Licensing of Children's Day Care Facilities and Chapter 33: Rules for Home Day Care Providers, Major Substantive Rules of the Department of Human Services, Auditing, Contracting and Licensing Service Center</b>	<b>RESOLVE 112 EMERGENCY</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1084
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LD 2281 proposed to provide for legislative review of Chapter 32: Rules for the Licensing of Children's Day Care Facilities and Chapter 33: Rules for Home Day Care Providers, a major substantive rule of the Department of Human Services, Auditing, Contracting and Licensing Service Center.

**Committee Amendment "A" (H-1084)** proposed to authorize final adoption of Chapter 32: Rules for the Licensing of Children's Day Care Facilities and Chapter 33: Rules for Home Day Care Providers as long as the Department of Human Services amends Chapter 33 prior to its final adoption. The amendment proposed that the rule be amended to include a provision that allows children not to be immunized for religious or medical reasons. In the event of a disease outbreak, these children would be excluded from the home day care until the outbreak no longer exists or until they receive the necessary immunization.

***Enacted law summary***