

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

*State Of Maine  
121st Legislature*

*First Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Health and Human Services*

*July 2003*

**Staff:**

*Jane Orbeton, Senior Analyst  
Lucia Nixon, Legislative Analyst*

*Office of Policy and Legal Analysis  
13 State House Station  
Augusta, ME 04333  
(207) 287-1670*

**Members:**

*Sen. Michael F. Brennan, Chair  
Sen. John L. Martin  
Sen. Carol Weston*

*Rep. Thomas J. Kane, Chair  
Rep. Edward R. Dugay  
Rep. Marie Laverriere-Boucher  
Rep. Margaret M. Craven  
Rep. William M. Earle  
Rep. William R. Walcott  
Rep. Thomas F. Shields  
Rep. Darlene J. Curley  
Rep. James J. Campbell, Sr.  
Rep. Sarah O. Lewin*

# Maine State Legislature



## Office Of Policy And Legal Analysis Office Of Fiscal And Program Review

### 121st Maine Legislature First Regular Session

#### Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint select committees of the Maine Legislature this past session. 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 considered by the committees. It is arranged alphabetically by committee name 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:

<i>CARRIED OVER PURSUANT TO HP 1212</i> .....	<i>Bills carried over to the 2<sup>nd</sup> 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 &amp; 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>NOT PROPERLY BEFORE THE BODY</i> .....	<i>Ruled out of order by the presiding officers; bill died</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>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PASSED</i> .....	<i>Joint Order passed in both bodies</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 that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

**David C. Elliott, Director**  
Offices located in Room 215 of the Cross Office Building

## Joint Standing Committee on Health and Human Services

8. It proposed to provide an effective date of July 1, 2004.

This law was proposed to take effect July 1, 2004.

### *Enacted Law Summary*

Public Law 2003, chapter 394 states the general rule to honor the intent of a person who has indicated the intention to be an organ donor after death. The law provides a mechanism for overriding that intention. The law requires the Secretary of State's Office to provide information on organ donation to applicants drivers licenses and driving schools and, upon completion of a new computer system, to maintain the Maine Organ Donor Registry. The law becomes effective July 1, 2004.

**LD 281**

**Resolve, Regarding the Operation of the Maine Registry of Certified Nursing Assistants**

**RESOLVE 96**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUNKER	OTP-AM MAJ	H-542
STANLEY	ONTP MIN	S-292 CATHCART

LD 281 proposed to require rulemaking to improve the operation of the Maine Registry of Certified Nursing Assistants and to improve access to information in the registry.

**Committee Amendment "A" (H-542)** was the majority report of the committee. The amendment proposed to replace the resolve. It proposed to delete the portions of the resolve pertaining to InforME and the portions pertaining to access to criminal history record information. It proposed to retain the provision on payment for criminal history record checks for the Maine Registry of Certified Nursing Assistants. It proposed to require the Department of Public Safety to amend the rules regarding criminal history record checks to grant free access to the Maine Registry of Certified Nursing Assistants. It proposed to require rulemaking by the Department of Education on including the cost of the first record check in a course fee. It proposed to require a series of reports to the Legislature from the Department of Human Services on information about national record checks and fingerprint-based checks. The amendment proposed to add an appropriations and allocations section for the Department of Public Safety for costs associated with processing background checks.

**Senate Amendment "A" to Committee Amendment "A" (S-292)** proposed to remove the requirement that the Department of Public Safety amend the rules regarding criminal history record checks to grant free access to the Maine Registry of Certified Nursing Assistants. The amendment also proposed to include a General Fund appropriation to reflect the lower costs that the department will incur to process background checks for new certified nursing assistants.

### *Enacted Law Summary*

Resolve 2003, chapter 96 requires the Department of Public Safety to adopt rules providing free access to criminal history record information for the Maine Registry of Certified Nursing Assistants. It requires the Department of Education to adopt rules requiring the CNA course fee to include the record check fee. It requires the Department of Human Services to report to the Health and Human Services Committee on the method of conducting CNA

*Joint Standing Committee on Health and Human Services*

record checks by 12/31/03, 7/1/04 and 12/31/04. The resolve provides an appropriation for the Department of Public Safety for staff and operating costs.