

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

Second Regular Session

Bill Summaries

*Joint Standing Committee
on
Health and Human Services*

July 2006

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Maine State Legislature



Office of Policy and Legal Analysis Office of Fiscal and Program Review

122nd Maine Legislature Second 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 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/billsumm.htm).

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
NOT PROPERLY BEFORE THE BODY	Ruled out of order by the presiding officers; bill died
INDEF PP	Bill Indefinitely Postponed
ONTP	Ought Not To Pass report accepted
OTP-ND	Committee report Ought To Pass In New Draft
P&S XXX	Chapter # of enacted Private & Special Law
PASSED	Joint Order passed in both bodies
PUBLIC XXX	Chapter # of enacted Public Law
RESOLVE XXX	Chapter # of finally passed Resolve
UNSIGNED (Pocket Veto)	Bill held by Governor
VETO SUSTAINED	Legislature failed to override Governor's Veto

Please note that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is August 23, 2006.

Joint Standing Committee on Health and Human Services

LD 146 **An Act To Repeal the Tax on Private Nonmedical Institutions** **DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P TARDY	ONTP MAJ OTP-AM MIN	S-173

LD 146 proposed to repeal the 5% service provider tax imposed on private nonmedical institutions.

LD 151 **An Act To Improve the Delivery of Maine's Mental Health Services** **INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM MAJ OTP-AM MIN	H-716 PINGREE S-367 S-373 MARTIN

LD 151 proposed to establish a procedure for the involuntary administration of medication to a patient at a nonstate mental health institution or a state mental health institute, with an appeal procedure within the department and if that appeal is unsuccessful, then a further appeal to the court. The bill proposed to require the Department of Health and Human Services to adopt routine technical rules to implement the administration of medication provisions and requires amendment of the department's rules regarding the rights of recipients of mental health services.

See Supplemental budget, Public Law 2005, Chapter 519, Part BBBB.

LD 359 **An Act To Change the Child Care Facility Licensing Laws** **PUBLIC 640**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPREY	OTP-AM	H-346 S-662 ROTUNDO

LD 359 proposed to require that a license for a child care facility be issued for a 2-year term, that the Department of Health and Human Services make at least one unannounced inspection of a child care facility within the 2-year license term and that the fee for a 2-year child care facility license be \$160.

Committee Amendment “A” (H-346) proposed to extend 2-year certification to home day care providers, provide for unannounced inspections of certified home day care providers by the Department of Health and Human Services at least once during the certification period, provide for biennial inspections by the State Fire Marshal's Office for nursery schools and certified home day care providers and provide for biennial full license and certificate fees.

Joint Standing Committee on Health and Human Services

Senate Amendment “A” to Committee Amendment “A” (S-662) proposed to amend Committee Amendment “A” to change the date when biennial fees will be assessed for full child care facility licenses, nursery school licenses and family child care certificates from October 1, 2005 to January 1, 2007.

Enacted law summary

Public Law 2005, chapter 640 requires that a license for a child care facility, family child care provider, or nursery school be issued for a 2-year term, that the Department of Health and Human Services make at least one unannounced inspection within the 2-year license term and that beginning January 1, 2007, the license fees are doubled.

LD 444 **Resolve, Regarding Effective Administration of the MaineCare Program** **RESOLVE 161**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN PINGREE	OTP-AM	S-486

LD 444 proposed to provide that a member of MaineCare whose services are limited under MaineCare Basic is eligible for additional medically necessary services if failure to provide those services creates a substantial likelihood of deterioration of medical condition or if providing those services is cost-effective.

Committee Amendment “A” (S-486) proposed to replace the bill with a resolve. The amendment proposed to direct the Department of Health and Human Services to use claims and encounter data and its decision support system to evaluate the extent to which service limits under the MaineCare Basic program result in members obtaining additional services from alternative providers or in alternative settings. The amendment proposed to direct the department to confer with the MaineCare Advisory Committee and to report findings and recommendations to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2007.

Enacted law summary

Resolves 2005, chapter 161 directs the Department of Health and Human Services to use claims and encounter data and its decision support system to evaluate the extent to which service limits under the MaineCare Basic program result in members obtaining additional services from alternative providers or in alternative settings. The resolve directs the department to confer with the MaineCare Advisory Committee and to report findings and recommendations to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2007.