

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on
Health and Human Services*

August 2005

Staff:

*Jane Orbeton, Senior Analyst
Lucia Nixon, Legislative Analyst
Patrick Norton, Deputy Director*

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

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Maine State Legislature

OFFICE OF POLICY & LEGAL ANALYSIS

13 State House Station, Room 215 Cross State Office Building
Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 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. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included 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:

- CARRIED OVER Bill Carried Over to Second Regular Session
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
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 First Regular Session (unless otherwise specified in a particular law) is June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

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This bill was carried over on the Special Appropriations by S.P. 640 to the next special or regular session of the 122nd Legislature.

LD 687 **An Act To Amend the Hospital Tax** **CARRIED OVER**

<u>Sponsor(s)</u> DOW MCKANE	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u> S-164
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LD 687 proposed to return the tax rate ON HOSPITALS to the original rate of .74% of net operating revenues.

This bill was carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature.

LD 688 **An Act To Ensure Access to Swing Beds in Hospitals** **ONTP**

<u>Sponsor(s)</u> DOW	<u>Committee Report</u> ONTP MAJ OTP MIN	<u>Amendments Adopted</u>
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LD 688 proposed to allow a hospital to convert up to 10 acute care beds to hospital swing beds without being required to submit a certificate of need.

LD 694 **An Act To Restore Fair MaineCare Payments to Critical Access Hospitals** **PUBLIC 342 EMERGENCY**

<u>Sponsor(s)</u> DAVIS P AUSTIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-262
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LD 694 proposed to require the Department of Health and Human Services to use a current critical access hospital cost report as the basis for determining MaineCare reimbursement rates and restore the full staff enhancement payment for critical access hospitals.

This bill was carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature.

Enacted law summary

Public Law 2005, chapter 342 requires the Department of Health and Human Services to allocate from hospital tax revenues under the Maine Revised Statutes, Title 36, chapter 375, \$1,000,000 in state and federal funds that

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must be distributed annually among critical access hospitals for staff enhancement payments. The law also provides that the provisions of Title 22, section 1714-B are subject to approval from the federal Centers for Medicare and Medicaid Services.

Public Law 2005, chapter 342 was enacted as an emergency measure effective June 8, 2005.

LD 699 An Act To Repeal Tax and Match CARRIED OVER

<u>Sponsor(s)</u> NASS R	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u> S-193
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LD 699 proposed to repeal the service provider tax imposed on private nonmedical institution services and the tax imposed on health care providers, hospitals and nursing homes.

LD 707 An Act To Improve Care for Adults with Mental Retardation ONTP

<u>Sponsor(s)</u> THOMAS DAVIS P	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 707 proposed to direct the Department of Health and Human Services to give preference to residential services provided in private homes over residential services provided in privately operated or agency-operated residential care facilities. It proposed to direct the department to undertake an initiative to provide information to the public regarding opportunities for providing residential services for persons with mental retardation, including training on mental retardation and the requirements for obtaining approval as a private home provider of residential services.

LD 710 Resolve, Regarding Clinical Trials of Pharmaceuticals, Treatment Options and Medical Devices RESOLVE 77

<u>Sponsor(s)</u> MILLS J	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> H-381
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Beginning January 1, 2006, LD 710 proposed to require a manufacturer of pharmaceutical drugs or a research organization or other health organization that sponsors a clinical trial of a pharmaceutical drug, treatment option or medical device and that enrolls as a participant in the trial a person who is receiving mental health treatment at a state mental health institute, as defined in the Maine Revised Statutes, Title 34-B, section 3201, at a community or specialty hospital if that treatment is fully or partially reimbursed with state funds, or at a juvenile or adult