

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

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Maine State Legislature

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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.

Joint Standing Committee on Health and Human Services

Smoking Act of 1985; add an enforcement provision to the law that is consistent with enforcement provisions in other tobacco-related statutes; and proposed to repeal the provision that exempts workplaces from the Workplace Smoking Act of 1985 if the employer and all employees agree to do so.

Enacted law summary

Public Law 2005, chapter 338 clarifies that enclosed areas of workplaces that are open to the public are governed by the public places smoking laws; increases the range of fines that may be imposed for violation of the Workplace Smoking Act of 1985; adds an enforcement provision to the law that is consistent with enforcement provisions in other tobacco-related statutes; and repeals the provision that exempts workplaces from the Workplace Smoking Act of 1985 if the employer and all employees agree to do so.

The law allows for fines of up to \$1,500 for each violation of the workplace smoking laws in cases where the employer has engaged in a pattern of conduct that demonstrates a lack of good faith in complying with those laws, and allows the Attorney General to seek injunctive relief, including a preliminary or final injunction and fines, penalties and equitable relief, or to seek to prevent or restrain violations of those laws.

The law also limits the "opt-out" provision under current workplace smoking laws to federally chartered veterans' service organizations and to private clubs in existence prior to January 1, 2004. The law retains provisions in current law that require the mutual agreement of the employer and all the employees to allow smoking in those facilities, but adds the requirements that they also have a written procedure ensuring that only the employer and employees, members and invited guests accompanied by a member are allowed entry and that they demonstrate, by a written secret ballot vote taken at least once every 3 years, that a majority of the membership has voted to allow smoking.

LD 892

An Act To Ensure an Adequate Supply of a Skilled Health Care Workforce

PUBLIC 327

Sponsor(s)
WESTON
CURLEY

Committee Report
OTP-AM

Amendments Adopted
S-241

LD 892 proposed to accomplish the following:

1. Direct the Department of Labor to compile and post on-line a report on health care occupations;
2. Require that certain licensed, registered and certified health care workers receive a voluntary survey to allow the collection of data on health care occupations;
3. Add a representative of the Department of Labor to the health workforce forum established in the Maine Revised Statutes, Title 22, section 257; and
4. Direct the Department of Health and Human Services to post on its website its recommendations based on its review of the health workforce forum's report.

Enacted law summary

Joint Standing Committee on Health and Human Services

Public Law 2005, chapter 327 directs the Department of Labor to compile and post on-line a report on health care occupations. It requires that certain licensed, registered and certified health care workers receive a voluntary survey to allow the collection of data on health care occupations. It adds a representative of the Department of Labor to the health workforce forum established in the Maine Revised Statutes, Title 22, section 257. It directs the Department of Health and Human Services to post on its website its recommendations based on its review of the health workforce forum's report. The law directs the Department of Health and Human Services to contract with the Department of Labor and others as appropriate to undertake the research described in the bill using existing federal emergency management funds. It directs both departments to seek additional public and private funds to continue the research and to report on those efforts to the Joint Standing Committee on Health and Human Services at the first meeting of that committee held between October 1, 2005 and December 31, 2005.

LD 904 An Act To Create the Maine Asthma and Lung Disease Research Fund CARRIED OVER

<u>Sponsor(s)</u> MARTIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-294
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LD 904 proposed to establish the Maine Asthma and Lung Disease Research Fund in the Department of Health and Human Services, Bureau of Health to provide grants for research into the health effects of indoor and outdoor air pollution and the prevention, causes, treatment and cure of lung diseases such as asthma, emphysema and chronic obstructive pulmonary disease. The funding source of the fund would be a voluntary checkoff on the individual income tax form that allows a taxpayer to donate a portion of a tax refund or make a donation with the tax return.

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 941 An Act To Make an Exception to the Law Regarding Licensing of Fair Vendors Selling Tobacco Products PUBLIC 145 EMERGENCY

<u>Sponsor(s)</u> RICHARDSON M		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-326
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LD 941 proposed to require a person who sells tobacco products at agricultural fairs, festivals or exhibitions to obtain only one license during the fair season. The bill also would establish a fee of \$10 for each cart that a person operates during a fair season in addition to the \$50 license fee. The bill also proposed to define a "seasonal mobile tobacco vendor" as a person who sells tobacco products at more than one location during a fair season.

Enacted law summary

Public Law 2005, chapter 145 requires a person who sells tobacco products at agricultural fairs, festivals or exhibitions to obtain only one license during the fair season, a seasonal mobile tobacco vendor license that