

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

JOINT STANDING COMMITTEE ON HEALTH AND HUMAN SERVICES

July 2007

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STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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 (or Accepted ONTP report).....	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.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

Please note that the effective date for non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Health and Human Services

LD 995 An Act To Reduce the Expense of Health Care Treatment and Protect the Health of Maine Citizens by Providing Early Screening, Detection and Prevention of Cancer

PUBLIC 341

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARRACHE	OTP-AM	S-262

This bill makes ongoing General Fund appropriations for a comprehensive cancer program to augment the reach and success of cancer screening, detection and prevention programs in the State.

Committee Amendment "A" (S-262)

This amendment replaces the bill and provides for the implementation of the comprehensive cancer screening, detection and prevention program, as recommended by the Maine Cancer Consortium for The Maine Comprehensive Cancer Control Plan 2006-2010, contingent upon availability of funding. It establishes the Comprehensive Cancer Screening, Detection and Prevention Fund to finance or assist in funding the comprehensive cancer screening, detection and prevention program and gives the Department of Health and Human Services, Bureau of Health rule-making authority. The amendment also adds an appropriation and allocation section to the bill.

Enacted Law Summary

Public Law 2007, chapter 341 provides for the implementation of the comprehensive cancer screening, detection and prevention program recommended by the Maine Cancer Consortium for the "Maine Comprehensive Cancer Control Plan 2006-2010" contingent upon availability of funding. It establishes the Comprehensive Cancer Screening, Detection and Prevention Fund to fund or assist in funding the comprehensive cancer screening, detection and prevention program and gives the Department of Health and Human Services, Bureau of Health rule-making authority.

LD 996 An Act To Support Medical Practice Protocols in Patient Care

ONTP

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

This bill authorizes the Maine Quality Forum to develop practice protocols in any medical specialty area and permits compliance with those practice protocols to be asserted in medical malpractice actions as a presumption that the applicable standard of care has been met.

The bill also allows an insurer to decline to provide coverage for treatment that is not consistent with those practice protocols and that is not documented as a reasonable deviation from those practice protocols by a health care practitioner or a health care provider.

LD 1016 An Act Regarding Residential Care Facilities for Children

**PUBLIC 320
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM MAJ ONTP MIN	S-250

Joint Standing Committee on Health and Human Services

This bill authorizes the Department of Health and Human Services to license residential parenting facilities for families in need of supportive and rehabilitative parenting services. The services relate to prenatal and postnatal needs of children and their parents, including nutrition, parenting skills and life skills counseling.

Committee Amendment "A" (S-250)

This amendment replaces the bill. It adds an emergency preamble and clause to the bill. The amendment provides a mechanism for an adult parent to live with a child in a licensed residential child care facility when it is in the best interest of the child and grants the Department of Health and Human Services rule-making authority with regard to child welfare placement exceptions.

Enacted Law Summary

Public Law 2007, chapter 320 provides a mechanism for an adult parent to live with a child in a licensed residential child care facility when it is in the best interest of the child and grants the Department of Health and Human Services rule-making authority with regard to child welfare placement exceptions.

Public Law 2007, chapter 320 was enacted as an emergency measure effective June 19, 2007.

LD 1033 An Act Regarding Involuntary Treatment of Mental Health Patients

PUBLIC 446

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM	H-620 PERRY A S-332

This bill amends the law with regard to inpatient psychiatric treatment as follows.

1. It ensures that a full District Court hearing is held before a person can be involuntarily committed to a psychiatric hospital. At this hearing the examiners report to the District Court as to whether the person is a mentally ill person or is a person with a serious and persistent mental illness, as appropriate to the proceeding, and as to whether the person poses a likelihood of serious harm and the hospital staff and family are able to testify.
2. It enacts new law on mandatory administration of medication that provides protections for the person through a hearing process that uses a panel of 2 psychiatrists and 1 mental health professional. The process also includes a written decision by the panel and an appeal to the Superior Court under the Maine Administrative Procedure Act.
3. It directs the Department of Health and Human Services to amend its rules entitled "Rights of Recipients of Mental Health Services" to reflect the new law on mandatory administration of medication.

Committee Amendment "A" (S-332)

This amendment replaces the bill. The amendment adds to the court procedure for involuntary commitment the option of a request for involuntary treatment. The amendment amends the law on rules adopted by the Department of Health and Human Services regarding standards for treatment of a client absent informed consent. The amendment requires the department to amend those rules to include a clinical review and decision within 4 days of a request by the primary treating physician by a clinical review panel, to specify that orders for involuntary treatment are for the term of commitment and pending any appeal where appropriate and to require the offer of the assistance of a lay advisor and to amend the rules regarding the rights of recipients of mental health services. The rules, which are designated routine technical rules, must be adopted by January 1, 2008 for use beginning on that date. The amendment provides an effective date of January 1, 2008, except that rulemaking begins prior to that date. This