

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

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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

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

Joint Standing Committee on Health and Human Services

amendment also adds an appropriations and allocations section.

House Amendment "A" (H-620)

This amendment incorporates changes made to the Maine Revised Statutes, Title 34-B, section 3864, subsection 4 by a recently chaptered law in order to prevent a conflict.

Enacted Law Summary

Public Law 2007, chapter 446 adds to the court procedure for involuntary commitment the option of a request for involuntary treatment. The law 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 law 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 law provides an effective date of January 1, 2008, except that rulemaking begins prior to that date.

See also LD 1855.

LD 1044 An Act To Address Eating Disorders in Maine

P & S 20

Sponsor(s)

TUTTLE

Committee Report

OTP-AM

Amendments Adopted

H-359

This bill requires the Department of Health and Human Services, through the Maine Center for Disease Control and Prevention, to create an initiative to provide education and assistance to residents suffering from eating disorders and submit a report to the Joint Standing Committee on Health and Human Services by May 1, 2008. This bill also provides funding of \$138,000 per year for an eating disorder initiative to provide education and assistance to Maine residents suffering from eating disorders.

Committee Amendment "A" (H-359)

This amendment removes the appropriations and allocations section and instead requires the Department of Health and Human Services to undertake the initiative using existing resources.

Enacted Law Summary

Private and Special Law 2007, chapter 20 requires the Department of Health and Human Services to use existing resources to provide education and assistance on eating disorders. The law requires a report to the Health and Human Services Committee by May 1, 2008.

LD 1110 An Act To Create the Maine Council on Poverty and Economic Security

CARRIED OVER

Sponsor(s)

EDMONDS

Committee Report

Amendments Adopted

This bill creates the Maine Council on Poverty and Economic Security, which is comprised of 11 members including the Commissioner of Health and Human Services and the Commissioner of Labor or the commissioners'; designees and 9 members appointed by the Governor representing the business community,