

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
123<sup>RD</sup> LEGISLATURE  
SECOND REGULAR AND FIRST SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed  
during the Second Regular or First Special Sessions of the 123<sup>rd</sup> Maine  
Legislature coming from the

**JOINT STANDING COMMITTEE ON HEALTH AND HUMAN  
SERVICES**

May 2008

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**STATE OF MAINE**  
123<sup>RD</sup> LEGISLATURE  
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**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 Second Regular or First Special Sessions of the 123<sup>rd</sup> Maine Legislature.

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:

<i>CON RES XXX</i> .....	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i> .....	<i>House &amp; Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i> .....	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i> .....	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i> .....	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i> .....	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i> .....	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i> .....	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PUBLIC XXX</i> .....	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i> .....	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i> .....	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session (R2) is June 30, 2008. The effective date for non-emergency legislation enacted in the First Special Session (S1) is July 18, 2008.<sup>1</sup> The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills. Any bill summarized in this document having an LD number less than 1932 was a bill carried over from the First Regular Session of the 123<sup>rd</sup> Legislature.

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<sup>1</sup> The session in which each law was enacted or finally passed (R2 or S1) is included in Appendix C.

# Joint Standing Committee on Health and Human Services

## **LD 1986** An Act To Expand the Pool of Qualified Mental Health Examiners for Purposes of Involuntary Treatment

**PUBLIC 472  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM	S-396

Under the changes made by Public Law 2007, chapter 446, scheduled to take effect January 1, 2008, one of the examiners, either a licensed physician or clinical psychologist, in cases of involuntary treatment of mental health patients, must be licensed to provide medications for the patient's care. Since clinical psychologists are not licensed to prescribe medication, the effect of this change is to require at least one of the two examiners to be a licensed physician. This requirement seriously limits the pool of professionals who qualify to perform examinations.

This bill alleviates the shortage by adding to the list of professionals qualified to perform mental health examinations for purposes of involuntary treatment applications certified nurse practitioners, advanced practice registered nurses and registered physician assistants.

### **Committee Amendment "A" (S-396)**

This amendment removes from the bill the broad category of advanced practice registered nurses as persons who may perform mental health examinations for involuntary treatment orders at the time of a court proceeding on involuntary commitment under the Maine Revised Statutes, Title 34-B, section 3864, subsection 7-A. The amendment retains as examiners licensed physicians, licensed clinical psychologists, certified nurse practitioners and registered physician assistants. The amendment adds a deappropriation section.

### **Enacted Law Summary**

Public Law 2008, chapter 472 adds to the list of professionals qualified to perform mental health examinations for purposes of involuntary treatment applications certified nurse practitioners and registered physician assistants.

Public Law 2008, chapter 472 was enacted as an emergency measure effective January 10, 2008.

## **LD 2000** An Act To Authorize the Department of Health and Human Services To Investigate Suspicious Deaths of Children

**PUBLIC 586**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASTINGS	OTP-AM	S-552

This bill authorizes the Department of Health and Human Services to investigate suspicious child deaths in the same manner as suspected child abuse or neglect. It requires the mandatory reporters of child abuse and neglect to also report any suspicious child deaths.

### **Committee Amendment "A" (S-552)**

This amendment clarifies that Department of Health and Human Services investigations of suspicious child deaths are subject to and may not interfere with the authority and responsibility of the Attorney General to investigate and prosecute homicides pursuant to the Maine Revised Statutes, Title 5, section 200-A.

### **Enacted Law Summary**

PL 2007, chapter 586 authorizes the Department of Health and Human Services to investigate suspicious child deaths in the same manner as suspected child abuse or neglect. It requires the mandatory reporters of child abuse and neglect to also report any suspicious child deaths. Department of Health and Human Services investigations of