

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD 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 123rd Maine
Legislature coming from the

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

May 2008

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STATE OF MAINE
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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 123rd 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 & 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&S XXX</i>	<i>Chapter # of enacted Private & 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, 2008.¹ 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 123rd Legislature.

¹ 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

Joint Standing Committee on Health and Human Services

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.

LD 2004 An Act To Establish the Department of Substance Abuse Services

ONTP

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

This bill makes the Office of Substance Abuse into the Department of Substance Abuse Services, a cabinet-level agency, in order to address the substance abuse problem in this State. Part A of the bill enacts a new Title 22-B in the Maine Revised Statutes to establish the Department of Substance Abuse Services. Part A also amends or repeals existing law to avoid some potential conflicts or ambiguity. Part B provides a series of transition provisions to ensure the appropriate and orderly transfer of functions, duties and responsibilities to the new department. Part C places the State Board of Alcohol and Drug Counselors under the jurisdiction of the new Department of Substance Abuse Services instead of the Department of Professional and Financial Regulation.

LD 2012 An Act To Protect Children in Vehicles from Secondhand Smoke

PUBLIC 591

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPREY	OTP-AM MAJ ONTP MIN	H-785

This bill, modeled on a Bangor city ordinance, prohibits smoking in a motor vehicle when a person under 18 years of age is present in that vehicle. Violators are subject to a \$50 fine or, at the discretion of the law enforcement officer present, a written warning.

Committee Amendment "A" (H-785)

This amendment lowers the age of the minors who are protected from secondhand smoke in a motor vehicle from under 18 years of age to under 16 years of age. The amendment states that the violation is not a moving violation. The amendment prohibits searches based solely on a violation of the provision, limits the penalty for violating the provision in the first 12 months of its taking effect to a warning and retains a violation after that time as a civil violation, for which a fine of \$50 may be assessed or a warning given in the discretion of the law enforcement officer. This amendment provides an effective date of September 1, 2008.

Enacted Law Summary

Public Law 2007, chapter 591 protects minors under age 16 from secondhand smoke in a motor vehicle. The law states that a violation is not a moving violation for motor vehicle purposes and prohibits searches based solely on a violation of the provision. The law limits the penalty for violating the provision in the first 12 months of its taking effect to a warning and designates a violation after that time as a civil violation, for which a fine of \$50 may be assessed or a warning given at the discretion of the law enforcement officer. Public Law 2007, chapter 591 takes effect September 1, 2008.

LD 2014 Resolve, To Extend the Deadline To Adopt a Rule by the Department of Health and Human Services Regarding Smoking in the Workplace

**RESOLVE 149
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLER	OTP	