

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
123RD LEGISLATURE
SECOND REGULAR & FIRST SPECIAL SESSIONS



**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

This amendment requires the Department of Health and Human Services, in its rulemaking, to require a licensed child care facility and certified family child care provider that offers water activities without a lifeguard on duty to notify in writing the parent or guardian of every child who participates in water activities that there will not be a lifeguard on duty.

Enacted Law Summary

Resolve 2007, chapter 199 directs the Department of Health and Human Services to adopt routine technical rules allowing licensed child care facilities and certified family child care providers to use lakes and ponds for water activities without a lifeguard on duty as long as the provider meets certain safety requirements. The provider must have written permission from a parent or guardian, a written water safety plan and meet all of the other water safety rules required for the use of swimming pools by child care providers. The written water safety plan must include provisions for adequate staffing ratios, the presence of a water safety attendant, a barrier to keep children in water no deeper than 4 feet and the use of life jackets for children up to 8 years old as well as for older children who have not had swimming lessons. Providers that offer water activities without a lifeguard on duty must notify in writing the parent or guardian of every child who participates in water activities that there will not be a lifeguard on duty. The law requires that the rules be in effect no later than June 1, 2008.

Resolve 2007, chapter 199 was enacted as an emergency measure effective April 14, 2008.

LD 2034 An Act To Prohibit the Sale of Energy Drinks to Minors

ONTP

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

This bill prohibits the sale of energy drinks to minors. An energy drink is a soft drink specifically designed to provide energy and must contain 80 or more milligrams of caffeine per 8 fluid ounces.

LD 2035 An Act To Clarify the Laws Governing the Inspection of Medical Facilities

ONTP

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

This bill clarifies that state inspections of medical facilities and survey visits are not required unless there is a documented complaint regarding a specific problem.

LD 2044 An Act To Prohibit Health Care Facilities from Charging for Treatment To Correct Mistakes or Preventable Adverse Events

PUBLIC 605

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT	OTP-AM MAJ ONTP MIN	H-873 H-907 PERRY A

This bill prohibits a health care facility from charging a patient or the patient's insurer for a mistake made by that health care facility for a preventable adverse event that occurs while the patient is in the care of a health care facility or for the care provided by that health care facility to correct its mistakes or rectify the preventable adverse event. A list of 27 such mistakes or preventable adverse events provided in the bill is taken verbatim from the recommendations of the National Quality Forum in 2002.

Joint Standing Committee on Health and Human Services

Committee Amendment "A" (H-873)

This amendment changes the title and replaces the bill. It prohibits a health care facility from knowingly charging a patient or insurer for treatment to correct mistakes or preventable adverse events, which are specifically defined in the bill and based on the National Quality Forum's most recent list of 28 preventable adverse events. The amendment clarifies that, in the case of a patient's death or disability, the mistake or preventable adverse event must be the cause of the patient's death or disability. It requires health care facilities to inform patients of the prohibition on payment for health care facility mistakes or preventable adverse events.

House Amendment "A" (H-907)

This amendment corrects Committee Amendment "A" by adding a term to the definition section regarding artificial insemination, which is one of 28 mistakes or preventable adverse events for which health care facilities are prohibited from charging. It also adds language to the definition regarding maternal death and serious disability. These items were inadvertently omitted from the Committee amendment.

Enacted Law Summary

Public Law 2007, chapter 605 prohibits a health care facility from knowingly charging a patient or insurer for treatment to correct any of 28 mistakes or preventable adverse events, which are based on the standards of the National Quality Forum and specifically defined in the law. In the case of a patient's death or disability, the mistake or preventable adverse event must be the cause of the patient's death or disability. The law requires health care facilities to inform patients of the prohibition on payment for health care facility mistakes or preventable adverse events.

**LD 2052 Resolve, To Create the Blue Ribbon Commission To Study the Future of
Home-based and Community-based Care**

**RESOLVE 209
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN	OTP-AM	H-795 S-649 MARTIN

This resolve creates the Blue Ribbon Commission To Study Long-term Home-based and Community-based Care to develop choices to meet unmet needs and financing options of long-term home-based and community-based care. The commission shall create a blueprint to ensure the sustainability of long-term home-based and community-based care options.

Committee Amendment "A" (H-795)

This amendment ensures that Legislators who are members of the 2 major political parties serve on the commission and requires outside funding. The amendment also adds an appropriations and allocations section.

Senate Amendment "B" (S-649)

This amendment makes the following changes to the resolve to ensure compliance with the requirements of Joint Rule 353.

1. It adds an additional legislative member to the commission.
2. It makes technical changes to the language governing outside funding.
3. It changes the reporting date to November 5, 2008.

Enacted Law Summary