

# MAINE STATE LEGISLATURE

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M

L.D. 758

DATE: 5-15-01

(Filing No. H-464)

MAJORITY  
BUSINESS AND ECONOMIC DEVELOPMENT

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
120TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 603, L.D. 758, Bill, "An Act to Require Certain Employers to Provide Certification for Employees Who Dispense Medications"

Amend the bill by striking out all of section 3 and inserting in its place the following:

'Sec. 3. 30-A MRSA §1559, sub-§2, as amended by PL 1989, c. 6, c. 9, §2 and c. 104, Pt. C, §§8 and 10, is repealed.'

Further amend the bill by inserting after section 3 the following:

'Sec. 4. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

2001-02                      2002-03

EDUCATION, DEPARTMENT OF

Leadership

Positions	(1,000)	(1,000)
Personal Services	\$26,243	\$39,726
All Other	18,550	3,050
Capital Expenditures	3,500	

Provides funding for one Clerk Typist III position, necessary position support

COMMITTEE AMENDMENT

2 and funds to provide training  
 to local school  
 4 administrative unit personnel  
 who dispense medication.

<b>6</b>	<b>DEPARTMENT OF EDUCATION</b>		
	<b>TOTAL</b>	\$48,293	\$42,776'

8 Further amend the bill by inserting at the end before the  
 10 summary the following:

	<b>'FISCAL NOTE</b>		
<b>14</b>		<b>2001-02</b>	<b>2002-03</b>
<b>16</b>	<b>APPROPRIATIONS/ALLOCATIONS</b>		
<b>18</b>	General Fund	\$48,293	\$42,776

20 The requirement that only certain individuals may administer  
 22 medication in certain schools represents a state mandate pursuant  
 to the Constitution of Maine. The additional local costs are  
 24 indeterminate. Unless General Fund appropriations are provided  
 to fund at least 90% of the additional costs or a Mandate  
 26 Preamble is amended to the bill and two-thirds of the members of  
 each House vote to exempt this mandate from the funding  
 28 requirement, the local school administrative units may not be  
 required to implement these changes.

30 The Department of Education will require a full-time Clerk  
 32 Typist III position and additional General Fund appropriations of  
 \$48,293 and \$42,776 in fiscal years 2001-02 and 2002-03,  
 34 respectively, for adopting or amending certain rules and  
 certifying and training certain individuals who administer  
 36 medication.

38 The requirement that only certain individuals may administer  
 medication in jails represents a state mandate pursuant to the  
 40 Constitution of Maine. The additional local costs are estimated  
 to be \$2,700. Unless General Fund appropriations are provided to  
 42 fund at least 90% of the additional costs or a Mandate Preamble  
 is amended to the bill and two-thirds of the members of each  
 44 House vote to exempt this mandate from the funding requirement,  
 the county jails may not be required to implement these changes.

46 If the Department of Corrections is unable to certify and  
 48 train certain individuals who administer medication utilizing an  
 existing Nurse V position, additional General Fund appropriations  
 50 will be required beginning in fiscal year 2001-02.'

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**SUMMARY**

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This amendment removes existing language in the laws governing the administration of medication by a sheriff or deputy and adds an appropriation section and a fiscal note to the bill.