

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1999

and referred to in this section as the "commission," consists of 5 members appointed as follows:

- A. Two members, not from the same political party, appointed by the President of the Senate;
- B. Two members, not from the same political party, appointed by the Speaker of the House; and
- C. One member appointed by a majority of the members appointed under paragraphs A and B, who serves as chair of the commission.

The 5 members must be residents of the State and appointed from the public. A person may not be appointed who is a Legislator at the time of appointment.

All members must be appointed for a term to coincide with the legislative biennium. A vacancy must be filled in the same manner as the original appointment for the balance of the unexpired term.

The members of the commission are entitled to a per diem, expenses and allowances at the same rate as Legislators.

2. Duties of commission. The commission must issue its first report no later than ~~January 1, 1998~~ April 15, 1999. No later than January 1st of every even-numbered year thereafter, the commission shall submit to the Legislature a report of the commission. The report must contain:

- A. A description of the commission's activities;
- B. The recommendations of the commission for all regular and special sessions of the next Legislature concerning:
 - (1) Compensation of Legislators and representatives of Indian tribes, including, but not limited to, all payments for: salaries, meals, housing, travel, mileage and all other expenses and allowances; additional service as President of the Senate, as Speaker of the House or as a member of leadership; and for constituent services; and
 - (2) Compensation for the Attorney General, the Secretary of State, the Treasurer of State and the State Auditor;
- C. The reasons for its recommendations;
- D. Drafts of any legislation required to implement its recommendations; and
- E. Any other material and recommendations that commission members may wish to submit.

Before reporting as required in this subsection and subsequent to giving public notice, the commission shall hold a public hearing on the report. Subsequent to reporting, the commission shall meet, if requested, with the Governor, the Legislative Council and legislative committees to discuss the report.

3. Appointments; meetings. ~~The 4 appointments by the presiding officers must be made no later than 15 days following September 19, 1997.~~ The Executive Director of the Legislative Council must be notified by the presiding officers once the ~~selections~~ appointment of the initial 4 members has been made. Within 15 days of the appointment of the initial 4 members, the Chair of the Legislative Council shall call and convene the first meeting of the commission.

4. Staff assistance. The commission shall request staff assistance from the Legislative Council.

5. Legislation. The commission may submit legislation required to implement its recommendations.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective January 14, 1999.

CHAPTER 3

H.P. 359 - L.D. 503

An Act to Delay the Implementation until October 1, 1999 of Public Law 1997, Chapter 793, "An Act to Provide for Confidentiality of Health Care Information"

Emergency preamble. **Whereas,** Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, Maine residents and health care providers have encountered significant difficulties in the implementation of Public Law 1997, chapter 793, on the confidentiality of health care information; and

Whereas, the Legislature requires a period of time to address these difficulties and to ensure that health care information is provided appropriate confidential treatment; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §1711-C, sub-§9, ¶A, as enacted by PL 1997, c. 793, Pt. A, §8 and affected by §10, is amended to read:

A. The health care practitioner or facility provided a copy of the original health care record to the 3rd party on or after ~~January~~ October 1, 1999;

Sec. 2. 22 MRSA §1711-C, sub-§16, as enacted by PL 1997, c. 793, Pt. A, §8 and affected by §10, is amended to read:

16. Application. This section applies to all requests and directives to disclose health care information issued or received on or after ~~January~~ October 1, 1999 and to all authorizations to disclose health care information executed on or after ~~January~~ October 1, 1999.

Sec. 3. PL 1997, c. 793, Pt. A, §10 is amended to read:

Sec. A-10. Effective date. This Part takes effect ~~January~~ October 1, 1999 with the exception of section 9 of this Part, which takes effect August 1, 1998.

Sec. 4. PL 1997, c. 793, Pt. B, §6 is amended to read:

Sec. B-6. Effective date. This Part takes effect ~~January~~ October 1, 1999.

Sec. 5. Retroactivity. This Act applies retroactively to January 1, 1999.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective January 14, 1999.

CHAPTER 4

H.P. 36 - L.D. 50

An Act to Make Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 1999

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses will become due and payable prior to July 1, 1999; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

PART A

Sec. A-1. Supplemental appropriations from General Fund. There are appropriated from the General Fund for the fiscal year ending June 30, 1999, to the departments listed, the following sums.

1998-99

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Office of the Commissioner - Administrative and Financial Services

Personal Services	\$1,576
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Provides for the appropriation of funds to correct the omission of 2 longevity payments from Public Law 1997, chapter 24, Part A, as a transfer from the Bureau of Revenue Services program.

Accounts and Control - Bureau of

Personal Services	(70,000)
All Other	70,000

TOTAL	0
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Provides for the appropriation of funds through the use of salary savings to fund the continuation of a consulting contract that is necessary to assist the bureau with its ongoing GAAP conversion efforts.