

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
113TH LEGISLATURE  
SECOND REGULAR SESSION



BILL SUMMARY  
JOINT STANDING COMMITTEE  
ON  
HUMAN RESOURCES

MAY 1988

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**ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST & SECOND SPECIAL SESSIONS  
SECOND REGULAR SESSION**

**JOINT STANDING COMMITTEE  
BILL SUMMARIES  
MAY 1988**

*This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The summaries are arranged by LD number under each committee.*

*All Adopted Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action is listed to the right of the title. If final House and Senate action differ, both are listed. Committee Reports and Floor Action are indicated as follows::*

<b>OTP</b>	<b>Ought to Pass</b>
<b>OTP-ND</b>	<b>Ought to Pass in New Draft</b>
<b>OTP-ND-NT</b>	<b>Ought to Pass in New Draft, New Title</b>
<b>OTP-A</b>	<b>Ought to Pass as Amended</b>
<b>ONTP</b>	<b>Ought Not to Pass</b>
<b>LVWD</b>	<b>Leave to Withdraw</b>
<b>INDEF PP</b>	<b>Indefinitely Postponed</b>

*Each individual summary was prepared by the analyst assigned, as noted for each committee. But, this document was produced by the efforts of all the office staff, including Secretaries: Charlene Brann, Janet Jean, Earl Knox, Valarie Parlin; Research Assistant Hartley Palleschi. Finally, Secretary Lorette Knox, Legal Assistant Carolyn Chick, and Research Assistant Robert Dunn had special responsibilities in the preparation of the overall document.*

*Please give us your suggestions and comments on these summaries and tell us of any inaccuracies.*

LD	An Act to Allowing Waiver of Certificate of Need Review	PUBLIC
2053	Requirements for Projects Othan Than Those Related to Acute Patient Care When the Waiver Would Further the Purposes of the Maine Certificate of Need Act	725 EMERGENCY

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
ROLDE	OTP-AM	H-599

**SUMMARY**

The bill sought to provide for the waiver of certificate of need review by the Department of Human Services when review by the department appeared to be unnecessary and did not serve a public purpose. The bill also corrected a cross reference to a repealed section and added a cross reference to the provisions of this bill.

The committee amendment (H-599) rewrites and clarifies the waiver of certificate of need provisions of the original bill, including the addition of a limitation on this type of waiver to projects other than those related to acute patient care or projects that could affect the financial requirements of a hospital under the Maine Revised Statutes, Title 22, chapter 107. In addition, it lists several factors which the department may consider when evaluating whether a waiver is appropriate. The type of projects which are likely to be considered for a waiver include: Decreases in a nursing home's licensed or certified bed capacity; termination of a health service, including a facility which goes out of business; replacement of equipment which does not involve an upgrading of services or technological capabilities; construction or renovation of projects at existing facilities when the applicant does not seek reimbursement for related expenses; transfers of ownership in certain instances, for example, when there is a clear need to maintain the existing complement of beds, when the purchaser is clearly fit, willing and able to implement the project, and when no additional noncapital operating costs will accrue to the health care system. The amendment also requires an annual report to the Legislature on the operation and implementation of this law.

<b>LD</b>	Resolve, to Create a Day Care Demonstration Project as an	RESOLVE
<b>2079</b>	Employment Incentive to Help Address the Nursing Shortage	114 EMERGENCY

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
GILL BUSTIN BOUTILIER PINES	OTP-AM	S-546 PEARSON

**SUMMARY**

This resolve sought to create a one-year demonstration project conducted by the Sisters of Charity Health Systems, Inc., in Lewiston to establish a day care program to be offered by health care facilities as a benefit to attract new people to the nursing profession.

The committee amendment (S-546) deletes the specific reference to the Lewiston hospital and replaces it with a requirement that the hospital participating in the project be selected on a request-for-proposal basis and excludes disproportionate share hospitals. The amendment also adds reporting requirements, eliminates the original funding mechanism and adds a fiscal note. S-546 replaced and incorporated two previous amendments (S-461 and S-465).

LD            An Act to Establish a Pilot Program for Transitional            PUBLIC  
 2091        Services for Department of Mental Health and Mental            837  
             Retardation Clients Between the Ages of 20 and 26

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
BERUBE	OTP-AM	S-390
SMITH		S-500    PEARSON

SUMMARY

Currently, special education entitlement programs for exceptional students end when the program recipient is 20 years old. The original bill sought to extend the age of eligible recipients to persons who have not reached 26 years of age. It also sought to provide needed transitional services to young adults with mental retardation who have left school and choose to reside at home or in unsubsidized foster care, but are not receiving any day program, as well as to all other individuals who are not receiving an appropriate day program. The bill also authorized the Bureau of Mental Retardation to establish rules to provide vocational and other rehabilitation services to those individuals in need of these services, including a voucher system to allow an individual's parents and interdisciplinary team to incorporate only otherwise unavailable services into an appropriate program.

The Committee Amendment (S-390) established a pilot project to provide needed transitional services to mentally retarded adults who are between the ages of 20 and 26 and choose to reside at home or in unsubsidized foster care, but are not receiving any day program, as well as to all other qualifying individuals who are not receiving an appropriate day program. The amendment requires that the client and a family member or guardian of the client be included as members of the interdisciplinary team. The amendment also authorizes the Bureau of Mental Retardation to establish a voucher system to allow the interdisciplinary team to incorporate only those services deemed critical and otherwise unavailable into a appropriate program.

The amendment also includes an appropriation of \$500,000 and a fiscal note.

Senate Amendment (S-500) changes the amount of the appropriation.