

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
114TH LEGISLATURE  
SECOND REGULAR SESSION



BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
HUMAN RESOURCES

JUNE 1990

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**One Hundred and Fourteenth Legislature  
Second Regular Session**

**Joint Standing Committee  
Bill Summaries**

**June 1990**

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 for 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. Committee Reports and Floor Action are abbreviated as follows:

OTP  
OTP-ND  
OTP-ND-NT  
OTP-A  
ONTP  
LVWD  
INDEF PP

Ought to Pass  
Ought to Pass in New Draft  
Ought to Pass in New Draft, New Title  
Ought to Pass as Amended  
Ought Not to Pass  
Leave to Withdraw  
Indefinitely Postponed

Each individual summary was prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond, and Valarie Parlin, and especially Laurette Knox who coordinated preparation of the overall document.

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

House Amendment "A" to Committee Amendment "A" amends the fiscal note to clarify that the Department will absorb reimbursement within its existing resources.

**LD 2081**      **An Act Concerning Availability of Income Between Spouses in  
the Determination of Medicaid Eligibility for Nursing Home  
Level Care**      **LV/WD**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
MARTIN J LISNIK	LV/WD	

**SUMMARY**

This bill would have required that no more than 1/2 of a couple's income or the income of the applicant spouse, whichever is less, be considered available to an institutionalized spouse for purposes of the Medicaid program. The bill would also have extended the spousal impoverishment provisions of the federal Medicare Catastrophic Coverage Act of 1988 to persons receiving nursing home-level care at home under the Medicaid waiver program.

**LD 2086**      **An Act to Provide for Outpatient Commitment**      **LV/WD**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
PARADIS P	LV/WD	

**SUMMARY**

This bill would have permitted the involuntary commitment of certain mentally ill persons to prescribed outpatient treatment programs.

**LD 2094**      **An Act to Amend Vital Statistics Provisions Pertaining to  
Adoptions**      **PUBLIC 818**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
CAHILL P BRANNIGAN WEBSTER M ANTHONY	OTP-AM	S-602

**SUMMARY**

This bill was rereferred to the Judiciary Committee. See summary under that Committee.

**LD 2106**      **An Act to Authorize the Department of Human Services to  
Impose Civil Penalties on Vendors Who Violate the  
Requirements of the Women, Infants and Children Special  
Supplemental Food Program**      **PUBLIC 777**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
PENDLETON WEBSTER C CLARK M	OTP-AM	H-830 H-913    MANNING

**SUMMARY**

The original bill increased to \$50,000 the maximum fine for violation of an order or rule of the Department of Human Services.

The Committee Amendment replaced the original bill and authorizes the Department of Human Services to impose a penalty on vendors who violate provisions of the Women's, Infants and Children Supplemental Food Program. The penalty would be the same as that imposed against vendors under the Food Stamp Program.

The House Amendment clarifies a reference to the federal food stamp penalty.

**LD 2109      An Act to Expand Estate Recovery from Certain Medicaid Recipients      ONTP**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
DELLERT	ONTP            MAJ	
PERKINS	OTP-AM        MIN	
TITCOMB		
MANNING		

**SUMMARY**

This bill would permit the Department of Human Services to recover from the estates of Medicaid recipients who apply after July 1, 1990 and who are 65. The claim would not be enforced against real estate if used for the support of a surviving spouse, dependent child under 21 or another nonsupporting dependent nor against personal property necessary for the support of one of those persons.

The majority report on this bill was Ought Not to Pass. The minority Committee Amendment would permit recovery against the estates of Medicaid recipients, regardless of age, who were residents of nursing homes. It would have limited recovery to 50% of the value of the estate and provided that no claim could be enforced against a primary residence that was used by a surviving spouse, child or sibling of the recipient or any other person who resided with the recipient for 12 months prior to receipt of nursing home services.

**LD 2112      An Act Relating to the Protection and Advocacy Agency for Persons with Disabilities      PUBLIC 837  
EMERGENCY**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
CLARK M	OTP-AM	H-1044
BUSTIN		
CAHILL P		
MANNING		

**SUMMARY**

This bill relocates the provisions relating to the protection and advocacy agency for persons with disabilities and reorganizes its functions to be consistent with recent federal law authorizing such agencies.

The Committee Amendment clarifies that the agency is not established by law but is an existing agency designated by the Governor. The amendment also clarifies the powers and duties of the agency, its access to records and the procedures for representation by the agency of persons with a public guardian.