

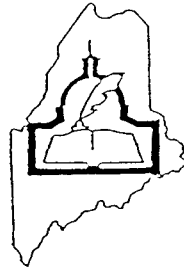
# MAINE STATE LEGISLATURE

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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.

**LD 2115**      **An Act Regarding Preliminary Protection Orders in Child Protective Cases**

**LV/WD**

**SPONSOR(S)**  
NUTTING  
BURKE  
WHITCOMB

**COMMITTEE REPORT**  
LV/WD

**AMENDMENTS ADOPTED**

**SUMMARY**

The bill changes the circumstances under which the court may issue a preliminary protection order in child protective cases. The "serious harm" standard is changed to "serious injury," which is limited to physical injury or impairment.

See also LDs 1833, 2199 and 2227.

**LD 2122**      **An Act to Establish the Advisory Board on Rights of Children in Need of Services**

**PUBLIC 688**

**SPONSOR(S)**  
DELLERT  
GILL  
BRANNIGAN  
BURKE

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
H-812

**SUMMARY**

This bill creates The Advisory Board on Rights of Children in Need of Services. The board will monitor the implementation of rules defining the rights of children in need of services and will advise the Department of Mental Health and Mental Retardation on the implementation. The board will submit a yearly report to the commissioner and the Human Resources Committee.

The Committee Amendment changed the name of the advisory board and the board's membership and duties to include all children receiving services from the Department of Mental Health and Mental Retardation. The Department of Mental Health and Mental Retardation will absorb the costs of this board.

**LD 2125**      **An Act to Clarify the Laws Regarding Recovery of Medicaid Payments from Liable Third Parties**

**PUBLIC 778**

**SPONSOR(S)**  
DELLERT  
GILL  
GAUVREAU  
MANNING

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
H-864

**SUMMARY**

The original bill specified that the Medicaid program is the payor of last resort when other sources of payment are available for medical services. The bill clarifies the obligation of the recipient to repay the department if a settlement or award is received from a third party and clarifies that insurance coverage is considered third party payment.

The Committee Amendment requires a settlement or award to a Medicaid recipient to be withheld by the third party or the recipient's attorney at the request of the Commissioner of Human Services until the amount owed to Medicaid is settled. Either party may apply to the court for an apportionment of the amount.