

MAINE STATE LEGISLATURE

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**STATE OF MAINE
115TH LEGISLATURE**

**FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION**

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
HUMAN RESOURCES**

AUGUST 1991

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**ONE HUNDRED AND FIFTEENTH LEGISLATURE
FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION
JOINT STANDING COMMITTEE
BILL SUMMARIES
AUGUST 1991**

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 volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

All adopted amendments are listed, by paper number (e.g., H - 584 or S - 222), together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

PUBLIC XXX	<i>Chapter # of enacted Public Law</i>
P&S XXX	<i>Chapter # of enacted Private & Special Law</i>
RESOLVE XXX	<i>Chapter # of enacted Resolve</i>
CON RES XXX	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
EMERGENCY	<i>Enacted law takes effect sooner than 90 days</i>
CARRIED OVER	<i>Bill carried over to 2nd Session</i>
FAILED EMERGENCY ENACTMENT	<i>Bill failed to get 2/3 vote</i>
ONTP	<i>Ought Not to Pass report accepted</i>
LVWD	<i>Leave to Withdraw report accepted</i>
INDEF PP	<i>Bill Indefinitely Postponed</i>
DIED BETWEEN BODIES	<i>House & Senate disagree; bill died</i>
VETO SUSTAINED	<i>Legislature failed to override Governor's Veto</i>
UNSIGNED	<i>Not signed by Governor within 10 days</i>
DIED ON ADJOURNMENT	<i>Action incomplete when 1st session ended</i>

These summaries were 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.

If you have any suggestions or comments on these summaries, please let us know.

LD 421

An Act to Ensure Patient Access to Medical Records

LV/WD

SPONSOR(S)
DORE
JACQUES
PFEIFFER
GAUVREAU

COMMITTEE REPORT
LV/WD

AMENDMENTS ADOPTED

SUMMARY

The bill repeals the current law governing patient access to hospital records and replaces it with a broader provision governing records held by hospitals and health care practitioners. Health care practitioners include physicians, nurses, podiatrists, dentists, chiropractors and psychologists. The bill requires health care practitioners and hospitals to release a patient's records upon the request of that patient and provides a civil penalty of \$100 per day for failure to comply with the requirement. (See LD 419)

LD 423

An Act to Amend the Laws Governing Disclosure of Information in Medical Support Recoupment and Child Support Cases

PUBLIC 58

SPONSOR(S)
MANNING
GILL
PENDLETON
SIMONDS

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-51

SUMMARY

The bill clarifies that information requested by the Department of Human Services in child support enforcement cases may be disclosed to the Department to the extent that the disclosure is not prohibited by federal or state law, or by the Maine Rules of Evidence. The bill also decreases the notice requirement that must be made when the Department seeks information. Under present law, the Department must notify the responsible parent by certified mail or by hand when requesting or demanding information about that parent from any source. Under this bill, notice may be made by regular mail. The bill establishes a civil violation for knowing failure or refusal to respond to a demand for information requested by the Department. It also establishes a civil violation for unlawful dissemination of the information which is collected.

Committee Amendment "A" (H-51) removes the requirement that the Department notify the responsible parent when requesting information from other sources; notice need only be made when the department demands information. The amendment also clarifies that, in order to be a civil violation, refusal to provide information must be knowing refusal. The amendment also adds a fiscal note to the bill.

LD 463

An Act to Exempt Substance Abuse and Psychiatric Patients from the Prohibition against Smoking in Hospitals

PUBLIC 501

SPONSOR(S)
DORE
HALE
GAUVREAU
GEAN

COMMITTEE REPORT
ONTP MAJ
OTP-AM MIN

AMENDMENTS ADOPTED
H-483 MIN REP

SUMMARY

Currently, a hospital may allow a patient to smoke in designated areas within the hospital if a physician has written an order permitting it. This bill allows the hospital to permit smoking for substance abuse

and psychiatric patients without a physician's permission. It further requires that patients who are allowed to smoke must be given access to a designated smoking area unless their physician rules that such access would be a danger to the patient or other persons.

Committee Amendment "A" limits the permission for psychiatric and substance abuse patients to those in special units. It requires that they be permitted to smoke in designated areas unless their physician indicates that doing so would be a danger to the patient or other persons and it requires that these areas be enclosed. The amendment removes the requirement that patients in other than psychiatric or substance abuse units who are allowed to smoke be given access to a designated smoking area.

LD 478 An Act to Suspend Administratively Certain Licenses Granted LV/MD
by the Department of Human Services

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
PENDLETON CAHILL P CLARK N	LV/WD	

SUMMARY

This bill allows the Department of Human Services to suspend a license for a children's home, child placing agency, day care facility or nursery school for up to 30 days without a court order if conditions are found that immediately endanger the health or safety of children in any of those facilities.

LD 481 An Act to Improve Community Services to People with Mental LV/MD
Illness

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
MELENDY GAUVREAU MANNING GILL	LV/WD	

SUMMARY

This bill exempts mental health projects from the certificate-of-need process if the services developed are offered first to patients who are admitted to them involuntarily under the State's involuntary commitment law.

LD 489 An Act to Change the Specifications for Membership of the PUBLIC 78
Maine Dental Health Council

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
SUMMERS BUSTIN NASH BOUTILIER	OTP-AM	S-39

SUMMARY

This bill broadens the pool of potential appointees to the Maine Dental Health Council by allowing part-time dental clinic professionals to be appointed. Current law calls for a full-time professional from a clinic.