

MAINE STATE LEGISLATURE

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**STATE OF MAINE
116TH LEGISLATURE**

FIRST REGULAR SESSION

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

JULY 1993

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**ONE HUNDRED AND SIXTEENTH LEGISLATURE
FIRST REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

JULY 1993

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.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. 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:

<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of enacted Resolve</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>CARRIED OVER</i>	<i>Bill carried over to Second Session</i>
<i>ONTP</i>	<i>Ought Not to Pass report accepted</i>
<i>ENACTMENT FAILED</i>	<i>Bill failed to get majority vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>FAILED EMERGENCY ENACTMENT</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference formed but unable to agree</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</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.

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

4693NRG

LD 412 An Act Regarding Smoking in Restaurants

ONTP

SPONSOR(S)
HEESCHEN**COMMITTEE REPORT**
ONTP**AMENDMENTS ADOPTED****SUMMARY**

This bill strengthens smoking restrictions in restaurants. Currently, restaurants must provide an area that is "reasonably calculated to address the needs of the nonsmoking public." This bill replaces that phrase with the requirement that restaurants provide areas comprising at least 70% of their seating areas that are free of smoke. The bill also removes the current option of conveying the restaurant's smoking policy verbally, requiring that it be posted in all instances. The bill applies to both private restaurants and restaurants or cafeterias that are located in public buildings.

LD 418 An Act to Promote Maximum Independence of Older People

INDEF PP

SPONSOR(S)
TREAT
PARADIS J
RYDELL**COMMITTEE REPORT**
OTP-AM**AMENDMENTS ADOPTED**
H-559**SUMMARY**

This bill strengthens the State's current nursing home preadmission screening process by making it mandatory for prospective Medicaid recipients and by adding a nursing home diversion component. In addition to evaluating the appropriateness of nursing home care, the diversion component would require the Department of Human Services to inform nursing home applicants if appropriate home or community-based care could be arranged. If home or other community-based care could be arranged and the applicant wanted those services, the Department of Human Services would provide case management services to the applicant. The bill also replaces references to "nursing home" with the term "nursing facility" to make the law consistent with federal Medicaid regulations.

Amendment H-559 changes the bill as follows:

1. Full implementation of the bill's preadmission assessment amendments and diversion component are delayed until July 1, 1994. Beginning October 1, 1993, the Department of Human Services is directed to begin phasing in those proposals in at least 2 regions of the State, and to complete statewide implementation by July 1, 1994;
2. The certificate of need laws are amended to close existing loopholes that allow nursing facilities to expand beds without a certificate of need if the facility is adding no more than 5 beds or 10% of capacity, whichever is less. Also, as of March 1, 1993, a moratorium is placed on nursing home renovation or replacement projects unless those projects are expressly approved by the Legislature through appropriations. An exception is granted to beds being transferred from state mental health institutes to nonstate community providers. The certificate of need laws are also amended to clarify that availability of state funds is a criterion that must be considered when the State decides whether or not to approve an application;
3. The Department of Human Services is directed to amend the clinical criteria for nursing facility admission to ensure that nursing facility services are targeted to applicants who can not be served elsewhere. The new criteria must result in applicants being referred to services that are clinically appropriate and cost-effective;