

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

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;

4. A section is added to require the Department of Human Services to adopt rules requiring all nursing facilities to certify an appropriate number of Medicare beds as needed in each area of the State;
5. A section is added requiring nursing facilities to notify applicants and persons assisting applicants that preadmission assessments may be required and that, if they apply for Medicaid in the future and are found medically ineligible, they may need to leave the nursing facility;
6. A section is added that closes an existing loophole in Medicaid eligibility rules regarding joint bank accounts;
7. Hospitals are required to notify the Department of Human Services when they are preparing to discharge a patient who will need long-term care services and who may need a preadmission assessment for nursing facility services;
8. The Department of Human Services is required to seek federal approval to include assisted living options as a service category under the home and community-based waiver program for older people. The Department is also required to assess the need for respite care services and make recommendations to the Legislature;
9. The Department of Human Services is directed to examine options for permanently reducing licensed nursing home beds and to report its findings to the Legislature by January 1, 1994;
10. Appropriations sections are added to reflect an overall savings to the State as resources are reallocated from nursing facility care to alternative forms of care; and
11. An emergency preamble and clause and a fiscal note are added to the bill.

This bill was not enacted, but all of its provisions, as amended by H-559, were enacted as part of the biennial budget bill. See P.L. 1993, c. 410, Part FF.

LD 422 An Act to Create an Emergency Services System for Persons with Mental Illness in Kennebec County ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
BUSTIN	ONTP	

SUMMARY

This bill provides funds for emergency services to persons with mental illness in Kennebec County, including crisis intervention services, medical and psychiatric services, respite care and a single point of access through an emergency telephone system.

LD 435 An Act to Repeal the Release Review Advisory Committee PUBLIC 48

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
HANLEY	OTP	

SUMMARY

This bill repeals the Release Review Advisory Committee, which had been established to review discharges from the forensic unit at the Augusta Mental Health Institute. That function continues to be served by the State Forensic Service.