

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

STATE OF MAINE  
116TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
HUMAN RESOURCES

JULY 1993

**Staff:**  
*Paul J. Saucier, Legislative Analyst*

*Office of Policy and Legal Analysis  
Room 101, State House Station 13  
Augusta, ME 04333  
(207)287-1670*

**MEMBERS:**

*\*Sen. Judy A. Paradis  
Sen. John E. Baldacci  
Sen. Philip E. Harriman*

*\*Rep. Sharon Anglin Treat  
Rep. Donald H. Gean  
Rep. Joline Landry Beam  
Rep. Michael F. Brennan  
Rep. Michael J. Fitzpatrick  
Rep. Birger T. Johnson  
Rep. Elizabeth Townsend  
Rep. Peggy A. Pendleton  
Rep. Joan M. Pendexter  
Rep. Joseph Bruno*

*\*Denotes Chair*

MARTHA E. FREEMAN, DIRECTOR  
WILLIAM T. GLIDDEN, JR., PRINCIPAL ANALYST  
JULIE S. JONES, PRINCIPAL ANALYST  
DAVID C. ELLIOTT, PRINCIPAL ANALYST  
MARION HYLAN BARR  
JON CLARK  
LISA COPENHAVER  
DEBORAH C. FRIEDMAN  
MICHAEL D. HIGGINS  
JILL IPPOLITI



JOHN B. KNOX  
ROY W. LENARDSON  
PATRICK NORTON  
JANE ORBETON  
MARGARET J. REINSCH  
PAUL J. SAUCIER

JOHN G. KELLEY, RESEARCHER  
DARLENE A. SHORES LYNCH, RESEARCHER  
CARRIE C. McFADDEN, RESEARCHER

STATE OF MAINE  
OFFICE OF POLICY AND LEGAL ANALYSIS  
ROOM 101/107/135  
STATE HOUSE STATION 13  
AUGUSTA, MAINE 04333  
TEL: (207) 287-1670  
FAX (207) 287-1275

**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&amp;S XXX</i>	<i>Chapter # of enacted Private &amp; 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 &amp; 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 1481 An Act to Provide Relief to Families Facing Nursing Home Expenses**

ONTP

**SPONSOR(S)**  
SUMMERS

**COMMITTEE REPORT**  
ONTP

**AMENDMENTS ADOPTED**

**SUMMARY**

This bill establishes the Family and Community Care Assistance Program, which provides financial incentives to families who are able and willing to provide home-based care for persons who would otherwise be eligible for Medicaid benefits in long-term nursing facilities. The program makes available state funds, which would have been spent towards the cost of the institutional care, to be used for certain expenditures in a family, congregate housing or other setting for community-based care.

This bill also 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 requires the Department of Human Services to inform nursing home applicants if appropriate home or community-based care could be arranged.

The bill also replaces references to "nursing home" with the term "nursing facility" to make the law consistent with federal Medicaid regulations.

See also LD 418.

**LD 1486 An Act to Consolidate All Substance Abuse Programs within the Office of Substance Abuse**

INDEF PP

**SPONSOR(S)**  
GEAN  
PARADIS J

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
H-563  
H-631 TREAT  
S-316 BUSTIN  
S-324 HARRIMAN

**SUMMARY**

This bill consolidates substance abuse programs operated by various state agencies into the Office of Substance Abuse. It immediately moves all General Fund money appropriated to other departments for substance abuse services and appropriates that money to the Office of Substance Abuse. It directs the Office of Substance Abuse to develop a plan to further consolidate all state-run substance abuse programs, regardless of funding source. The bill also repeals the existing Maine Council on Alcohol and Drug Abuse Prevention and Treatment and establishes the Substance Abuse Services Commission, which has the duty of overseeing and directing the Office of Substance Abuse.

Amendment H-563 changes the original bill as follows.

1. It adds the Director of the Office of Substance Abuse to the membership of the Interdepartmental Council and eliminates the members of the current Interdepartmental Council from the membership of the Substance Abuse Services Commission. A physician, superintendent, elementary educator, attorney, higher education representative, private sector employer and substance abuse practitioners in the areas of education, prevention and treatment are added to the membership of the commission, increasing the total number of members from 15 to 17. The per diem authorized in the bill is changed to allow expenses only for members of the commission. The amendment also clarifies that the commission provides oversight to the Office of Substance Abuse but does not direct its activities.

2. The amendment eliminates the Comprehensive Health Planner II position in the Department of Mental Health and Mental Retardation and deappropriates All Other funds in the Office of Substance Abuse in an amount that reflects the total deappropriation for the Office of Substance Abuse recommended in the Governor's budget for fiscal year 1994-95. The Office of Substance Abuse is directed to recommend reallocation of the All Other cut if it finds administrative savings as substance abuse services are consolidated in the office.
3. Language is added to the bill to clarify that the Office of Substance Abuse continues current education efforts when the Department of Education program is transferred to the office. Also, transitional language is added to clarify that the current incumbents retain their positions, along with their accrued rights, benefits and privileges.

Amendment H-631 clarifies how appointments are made to the Substance Abuse Services Commission and corrects an internal cross-reference in the bill.

Amendment S-316 further specifies the rights, benefits and privileges that are retained by employees transferred under the bill.

Amendment S-324 requires that the Office of Substance Abuse allocate a percentage of funds for prevention programs in FY 1994 and 1995 that is at least the same as the percentage allocated in FY 93. It also requires the Office of Substance Abuse and the Department of Education to enter into an agreement regarding continuation of school-based prevention programs.

This bill did not pass, but all of its provisions, as amended by H-563, H-631, S-316 and S-324 were enacted as part of the biennial budget bill. See P.L. 1993, c. 410, Part LL.

**LD 1489      Resolve, to Establish the Labor and Welfare Transition Team      ONTP**  
**to Facilitate the Inclusion within the Department of**  
**Labor of Certain Welfare Functions of the Department of**  
**Human Services**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
AIKMAN	ONTP            MAJ	
	OTP-AM        MIN	

**SUMMARY**

This bill establishes the Labor and Welfare Transition Team and directs the team to develop a plan to move welfare programs currently located in the Department of Human Services to the Department of Labor.

See also LD 1508.

**LD 1503      An Act to Encourage People in the State to Plan for      CARRIED OVER**  
**Long-term Care**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
DUTREMBLE D		
BERUBE		
PINEAU		

**SUMMARY**

This bill provides that, to the extent permitted by federal law, the amount of long-term care insurance