

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
116TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
HUMAN RESOURCES

MAY 1994

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

**JOINT STANDING COMMITTEE  
BILL SUMMARIES**

**MAY 1994**

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, 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*

*P&S XXX*

*RESOLVE XXX*

*CON RES XXX*

*EMERGENCY*

*ONTP*

*INDEF PP*

*FAILED ENACTMENT*

*FAILED EMERGENCY ENACTMENT*

*FAILED MANDATE ENACTMENT*

*DIED BETWEEN BODIES*

*CONF CMTE UNABLE TO AGREE*

*VETO SUSTAINED*

*UNSIGNED*

*DIED ON ADJOURNMENT*

*Chapter # of enacted Public Law*

*Chapter # of enacted Private & Special Law*

*Chapter # of enacted Resolve*

*Chapter # of Constitutional Resolution passed by both Houses*

*Enacted law takes effect sooner than 90 days*

*Ought Not to Pass report accepted*

*Bill Indefinitely Postponed*

*Bill failed to get majority vote*

*Emergency bill failed to get 2/3 vote*

*Bill imposing local mandate failed to get 2/3 vote*

*House & Senate disagree; bill died*

*Committee of Conference unable to agree; bill died*

*Legislature failed to override Governor's Veto*

*Not signed by Governor within 10 days*

*Action incomplete when session ended; bill died*

These summaries were prepared by the analyst or analysts assigned to the committee. If you have any suggestions or comments on the summaries, please let us know.

5581LHS

**SUMMARY**

Under this bill, a psychiatric hospital that begins operation on or after August 1, 1993 is guaranteed that the terms of an executed provider enrollment agreement will be honored and that Medicaid reimbursement will be made. The bill also ensures that the terms of any state Medicaid plan and Maine Health Care Finance Commission rules concerning disproportionate share payments apply to new psychiatric hospitals.

This bill would have settled a dispute between the Department of Human Services and Acadia Hospital in favor of the hospital. The Department and the hospital reached an agreement to the dispute that made the bill unnecessary.

**LD 1753**

**Resolve, to Extend the Reporting Date of the Healthy Start Task Force Report**

RESOLVE 54  
EMERGENCY

**SPONSOR(S)**  
FAIRCLOTH  
PARADIS J

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
H-769

**SUMMARY**

This resolve extends the reporting deadline of the Healthy Start Task Force from November 1, 1993 to December 15, 1994.

COMMITTEE AMENDMENT A (H-769) makes technical corrections and adds a fiscal note to the resolve.

**LD 1792**

**An Act to Authorize Use of Civil Administrative Penalty Authority and Administrative Order Authority Against Violation of Federal and State Drinking Water Laws, Regulations and Rules**

PUBLIC 678  
EMERGENCY

**SPONSOR(S)**  
PENDEXTER

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
H-864  
S-559 PARADIS J

**SUMMARY**

This bill provides administrative enforcement authority to the Department of Human Services to compel compliance with state and federal drinking water laws. It authorizes the department to impose civil administrative penalties and orders against public water systems without having to go through the judicial system.

COMMITTEE AMENDMENT A (H-864) replaces the original bill. It gives the Department of Human Services administrative powers to enforce the drinking water laws, as did the original bill, but it differs from the original bill in the following ways.

It establishes a sequence of progressive remedies, beginning with an administrative consent order. This requires the Department of Human Services to attempt to negotiate an agreement with a violator before issuing compliance orders or levying penalties.

It makes penalties optional when a compliance order is issued. The original bill made penalties mandatory at that stage.

It suspends the accrual of penalties during an appeal process, unless the appeal is found to be frivolous.