

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)	COMMITTEE REPORT	AMENDMENTS ADOPTED
FAIRCLOTH PARADIS J	OTP-AM	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)	COMMITTEE REPORT	AMENDMENTS ADOPTED
PENDEXTER	OTP-AM	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.

Current law allows a court to impose a penalty of \$500 per drinking water violation. The original bill increased that amount to \$25,000; the amendment increases it to \$5,000. The original bill proposed a maximum administrative penalty of \$5,000; the amendment reduces the maximum to \$750.

Revenue from penalties is placed in the existing Public Drinking Water Fund, and the statutory language creating the fund is amended to clarify that the fund may be used to provide education and technical assistance.

The Department of Human Services is required to report to the Maine Public Drinking Water Commission regarding the use of administrative remedies, and the commission is required to include an evaluation of the administrative remedies in its annual report to the department.

A fiscal note is added to the bill.

SENATE AMENDMENT A (S-559) removes reference to federal laws, regulations or rules and changes references from "department" to "commissioner," clarifying that the commissioner has the administrative enforcement powers.

LD 1793 An Act to Implement the Recommendations of the Health and Social Services Transition Team

**PUBLIC 738
EMERGENCY**

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

OTP-AM

H-1008

S-644 PEARSON

SUMMARY

This bill is presented by the Health and Social Services Transition Team in accordance with Resolve 1993, chapter 36. As of July 1, 1995, it abolishes the Department of Human Services and the Department of Mental Health and Mental Retardation and creates 2 new departments: the Department of Children and Families and the Department of Health and Developmental Services.

COMMITTEE AMENDMENT A (H-1008) replaces the original bill. It does not abolish or create any department. Instead, in Part A, it establishes policy principles for health and social services and creates the Public Participation Team to solicit broad public comment on the policy principles and suggestions for changing the service delivery system in a manner that will achieve those principles. It also does the following.

Part B moves the Interdepartmental Council to the Office of the Governor, as recommended in the original bill. Part B takes effect July 1, 1994.

Part C repeals archaic language and moves other language to more appropriate places in the laws. Part C does not enact any new law that does not already exist elsewhere. These changes were recommended in the original bill.

Part D creates 3 studies recommended in the original bill: consolidation of homeless services, transfer of administrative hearings from the Department of Human Services to the Department of the Attorney General, and integration of food safety functions. In addition, Part D directs the Commissioner of Administrative and Financial Services to convene a task force to recommend consolidation of health and social service financial audits into one agency. This differs from the original bill, which consolidated those services into the Department of Health and Developmental Services.

Part E moves services for children with mental retardation from the Division of Mental Retardation to the Bureau of Children with Special Needs, as recommended in the original bill. Part E takes effect July 1, 1994.