

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

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.

The amendment retains sections 1 and 2 from Part G of the original bill. Those sections require the Department of Mental Health and Mental Retardation and the Department of Human Services to jointly locate their service delivery sites as leases expire, when doing so passes a cost-benefit test. Those provisions appear as Part F of this amendment.

The amendment repeals the resolve that created the Health and Social Services Transition Team, as recommended in the original bill, and adds a fiscal note to the bill.

SENATE AMENDMENT B (S-644) removes the General Fund appropriation for the Public Participation Team created in Part A and replaces it with an Other Special Revenue allocation. The work of the Team is made contingent upon receipt of federal or private grants.

**LD 1800 An Act to Rename Boarding Care Facilities and Expand Their
Definitions**

**PUBLIC 661
EMERGENCY**

SPONSOR(S)
BRUNO

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-945

SUMMARY

This bill changes the name of boarding care facilities to residential care facilities in order to associate the facilities with a new name widely used around the country. It also eliminates the name adult foster home, which has been a subcategory of boarding care facilities. The bill also gives the Department of Human Services more flexibility to adopt rules that address additional types of models of facilities. The department is also given authority to issue 2-year licenses to 1- to 2-bed facilities that are normally exempt from licensure but seek licensure to obtain certain types of funding. It sets licensing fees for all facilities at \$10 per bed, which may be a slight increase for some foster homes that formerly paid \$25 per facility, and a savings for 1- to 2-bed facilities. It expands civil monetary penalties to those homes licensed as foster homes. This bill also repeals the Maine Revised Statutes, Title 22, section 7910, which required assessments of people entering boarding care facilities.

COMMITTEE AMENDMENT A (H-945) makes the following changes and additions to the bill.

Currently, boarding homes are eligible to receive financing through the Maine Health and Higher Educational Facilities Authority. Because the bill replaces the term "boarding home" with the term "residential care facility," an amendment must be made to the Maine Health and Higher Educational Facilities Authority laws in the Maine Revised Statutes, Title 22, chapter 413. The term "residential care facility" also includes adult foster homes. Therefore, changing the term "boarding home" to "residential care facility" in Title 22, chapter 413 expands the group of facilities that are eligible for financing under that chapter.

The amendment clarifies that supported living arrangements certified by the Department of Mental Health and Mental Retardation are not residential care facilities.

The amendment retains several definitions that were mistakenly stricken in section 20 of the bill.

The amendment requires the Department of Human Services to submit a report to the Legislature regarding the use of vouchers in long-term care services.

The amendment requires the Department of Human Services to adopt assisted living rules by July 1, 1994 and to enforce applicable existing laws in the interim. The amendment prohibits providers from using the term "assisted living" until the rules are adopted.