

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

SECOND REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
HUMAN RESOURCES

MAY 1994

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. Robert B. Carr
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
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

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.

The amendment requires the Department of Mental Health and Mental Retardation to submit a progress report to the Legislature regarding the activities of a process action team that is addressing issues of accreditation, minimum standards and quality in disability services.

The amendment requires the Department of Human Services to study the need for and feasibility of a long-term care development account in the certificate-of-need program. The department is required to submit its findings to the Legislature by November 1, 1994.

The amendment adds a fiscal note to the bill and conforms existing law to current drafting standards.

See also LD 1955 and LD 1969.

LD 1820 An Act to Encourage Effective Use of State Resources

**PUBLIC 624
EMERGENCY**

SPONSOR(S)
DAGGETT
KILKELLY

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-818

SUMMARY

This bill repeals the automatic request-for-proposal procedure that the Department of Mental Health and Mental Retardation and the Office of Substance Abuse must follow when renewing contracts of certain dollar amounts and replaces it with a departmental option to discontinue a contract if any of the following conditions exist:

Breach of contract;

Contractor loss of qualification;

Contractor failure to correct reported deficiencies or reduce costs when requested;

Contractor's unwillingness to provide services; and

Receipt of reports of poor functioning of a contractor.

COMMITTEE AMENDMENT A (H-818) replaces the original bill. It differs from the original bill as follows.

The original bill addressed contracting procedures for both the Department of Mental Health and Mental Retardation and the Office of Substance Abuse. The amendment addresses only the Department of Mental Health and Mental Retardation.

The original bill repealed the requirement that contracts of \$150,000 or more be subject to a request-for-proposal process every 6 years. The amendment retains the requirement, but increases the threshold to \$500,000 and reduces the frequency to every 8 years. In addition, the amendment waives the request-for-proposal procedure for any provider who has entered into performance-based contracts.

The amendment adds an emergency preamble and clause to the bill and clarifies that the contracts involved in the Department of Mental Health and Mental Retardation's current round of requests for proposals continue in that process only if they are for \$500,000 or more. The amendment also adds a fiscal note to the bill.