

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

LD 1821 An Act to Develop Standards for the Licensure of Hospice Programs

PUBLIC 692

SPONSOR(S)
KILKELLY

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-946

SUMMARY

This bill requires as of January 1, 1995 that hospice programs be licensed by the State.

COMMITTEE AMENDMENT A (H-946) clarifies the treatment under licensing rules of volunteer hospice programs. It also clarifies that the Department of Human Services, not the Maine Hospice Council, will adopt the licensure rules. The amendment also changes the original bill as follows.

The bill grants "deemed" licensure to any hospice that meets Medicare hospice rules. The amendment allows "deemed" status only if a facility has had a Medicare survey within the previous 3 years.

The amendment grants to Clover Hospice in Auburn an exception until January 1, 1996 of the so-called Medicare "80/20" rule, which requires inpatient hospice programs to be associated with certain levels of in-home hospice services. At present, Clover Hospice does not meet the "80/20" rule.

The amendment adds an appropriation section and a fiscal note to the bill.

LD 1824 An Act to Strengthen the Coordinated Delivery of Substance Abuse Services in the State

PUBLIC 700

SPONSOR(S)
HARRIMAN

COMMITTEE REPORT
OTP-AM MAJ
OTP-AM MIN

AMENDMENTS ADOPTED
S-508

SUMMARY

This bill moves substance abuse programs within the Department of Public Safety and the Maine National Guard to the Office of Substance Abuse in continuation of the substance abuse program consolidation mandated by PL 1993, c. 410, Pt. LL. The bill also continues the consolidation of substance abuse programs from the Department of Education and the Department of Corrections into the Office of Substance Abuse.

COMMITTEE AMENDMENT A (S-508) is the majority report. It differs from the original bill as follows.

The original bill added the Department of Public Safety and the Maine National Guard to the list of agencies and departments whose substance abuse programs would be consolidated within the Office of Substance Abuse. The amendment instead requires the Office of Substance Abuse to enter into an interdepartmental memorandum of agreement with those agencies.

The amendment corrects the fund and employee transfers being made from the Department of Education to the Office of Substance Abuse and adds transitional language regarding the employees who are transferred.

The amendment corrects the amount of funds transferred from the Department of Corrections to the Office of Substance Abuse.

The amendment corrects technical errors made when the composition of the Substance Abuse Services Commission was changed in P.L. 1993, c. 410.

The amendment requires the Substance Abuse Services Commission to submit a report to the Legislature regarding the request-for-proposal system that is used to award and renew new and existing contracts from the Office of Substance Abuse.

The amendment adds a fiscal note to the bill.

LD 1835 An Act to Regulate Revenues for Merged Hospitals ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
PARADIS J TREAT	ONTP	

SUMMARY

This bill establishes a rate-setting mechanism for merged hospitals.

LD 1864 An Act to Enable Parents to Retain Custody in Voluntary Placements PUBLIC 724

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
FITZPATRICK	OTP-AM	H-902

SUMMARY

This bill provides that a parent or legal guardian retains legal custody of a child placed in a children's home when the only reason for the placement is to provide services for the child's emotional, behavioral or mental disorder or developmental or physical disability. Such placement must be by voluntary agreement and the Department of Human Services is responsible for the care of the child during the placement. This bill establishes court review procedures to ensure that a long-term placement is in the best interests of the child.

COMMITTEE AMENDMENT A (H-902) replaces the original bill. The original bill created an entitlement to voluntary services for certain children in need of residential placement. The amendment does not create an entitlement but grants the Department of Human Services discretion to enter into voluntary agreements, allowing parents to retain custody, if the department finds that staying in the home is detrimental to the welfare of the child and the child is at risk of entering the child protection or juvenile justice system. As in the original bill, court review is required for voluntary placements that exceed 180 days. An agreement may not be executed without the approval of the Commissioner of Human Services. The amendment also adds a fiscal note to the bill.

LD 1868 An Act to Clarify and Expand the Driver Education and Evaluation Programs in the State PUBLIC 631

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
PENDEXTER	OTP-AM	H-869

SUMMARY

This bill clarifies and adds specificity to the Driver Education and Evaluation Programs within the Office of Substance Abuse, as follows.

It authorizes a 1/2-to one-hour educational session for the first offender adult without aggravating factors. The bill requires a registrant who is 23 years of age who was under 21 years of age at the time of the offense, as a first offender, to attend the adult offender program.

It identifies operating under the influence of other drugs as defined in the Maine Revised Statutes, Title 17-A, section 1101 as an aggravating factor and requires the offender to participate in the Weekend Intervention Program for the purpose of an evaluation to determine whether treatment is necessary.