

# 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

The amendment adds a fiscal note to the bill.

**LD 1835      An Act to Regulate Revenues for Merged Hospitals      ONTP**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
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**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
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**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
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.

It reinstates the Driver Education and Evaluation Programs Board of Appeals within the Office of Substance Abuse.

It clarifies the Driver Education and Evaluation Programs definition of "alcohol-related or drug-related motor vehicle incident."

It allows first offenders who have enrolled in Driver Education and Evaluation Programs to be eligible for a special license after expiration of the total period of suspension if they have attended 3 treatment counseling sessions from a counselor or agency approved by the Office of Substance Abuse.

COMMITTEE AMENDMENT A (H-869) clarifies which other drugs become aggravating factors under the bill. Under current law, a first offender of an alcohol-related driving offense is treated like a subsequent offender when the case includes an aggravating factor. The original bill added as an aggravating factor the presence of a drug in a blood or urine test. The amendment clarifies that the drug must be a scheduled drug. The amendment also adds a fiscal note to the bill and conforms existing law to current drafting standards.

**LD 1875      An Act to Authorize and Regulate the Integrated Delivery of Services by the Licensed Acute Care Hospitals in the City of Portland      ONTP**

**SPONSOR(S)**                      **COMMITTEE REPORT**                      **AMENDMENTS ADOPTED**  
BRANNIGAN                      ONTP

**SUMMARY**

This bill authorizes the establishment of an integrated delivery system by the 3 acute care hospitals located in Portland and establishes a separate system by which the Maine Health Care Finance Commission will regulate revenues for services provided through the integrated delivery system. The bill also exempts reallocations of services and assets within the integrated delivery system from the certificate of need process.

**LD 1882      Resolve, to Establish Minimum Standards for Adult and Family Shelters in the State      RESOLVE 64**

**SPONSOR(S)**                      **COMMITTEE REPORT**                      **AMENDMENTS ADOPTED**  
GEAN                      OTP-AM                      H-829

**SUMMARY**

This resolve directs the Interagency Task Force on Homelessness and Housing Opportunities to convene a working group to recommend standards for the operation of adult and family shelters in the State and to submit its recommendations to the 117th Legislature.

COMMITTEE AMENDMENT A (H-829) clarifies that the working group must include representatives from the Department of Mental Health and Mental Retardation, the Department of Human Services, the Maine State Housing Authority and the Office of Substance Abuse. The amendment also adds a fiscal note to the resolve.

**LD 1905      An Act to Amend the General Assistance Standard of Need      DIED BETWEEN BODIES**

**SPONSOR(S)**                      **COMMITTEE REPORT**                      **AMENDMENTS ADOPTED**  
PENDLETON                      OTP-AM                      H-863