

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
117TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
HUMAN RESOURCES

AUGUST 1995

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**ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
FIRST REGULAR SESSION**

**SUMMARY OF LEGISLATION BEFORE  
THE JOINT STANDING COMMITTEES**

**AUGUST 1995**

This document is a compilation of the bill summaries prepared by this office for the Joint Standing 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 publication, History and Final Disposition of Legislative Documents, is helpful in determining to which committee any particular bill was referred.

In this document, 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 categories of final action are abbreviated as follows:

<b>CARRIED OVER</b>	<i>Bill carried over to Second Session</i>
<b>CON RES XXX</b>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<b>CONF CMTE UNABLE TO AGREE</b>	<i>Committee of Conference unable to agree; bill died</i>
<b>DIED BETWEEN BODIES</b>	<i>House &amp; Senate disagree; bill died</i>
<b>DIED ON ADJOURNMENT</b>	<i>Action incomplete when session ended; bill died</i>
<b>EMERGENCY</b>	<i>Enacted law takes effect sooner than 90 days</i>
<b>FAILED EMERGENCY ENACTMENT</b>	<i>Emergency bill failed to get 2/3 vote</i>
<b>FAILED ENACTMENT</b>	<i>Bill failed to get majority vote</i>
<b>FAILED MANDATE ENACTMENT</b>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<b>INDEF PP</b>	<i>Bill Indefinitely Postponed</i>
<b>ONTP</b>	<i>Ought Not to Pass report accepted</i>
<b>P&amp;S XXX</b>	<i>Chapter # of enacted Private &amp; Special Law</i>
<b>PUBLIC XXX</b>	<i>Chapter # of enacted Public Law</i>
<b>RESOLVE XXX</b>	<i>Chapter # of enacted Resolve</i>
<b>UNSIGNED</b>	<i>Not signed by Governor within 10 days</i>
<b>VETO SUSTAINED</b>	<i>Legislature failed to override Governor's Veto</i>

These summaries were prepared by the analyst or analysts assigned to the committee. If more detailed information is needed on a bill, contact the committee analyst.

5581LHS

citizens in the greater Bangor area that was made in the Policy Directive for Privatization dated November 17, 1991 and pursuant to which funds for 45 beds at the Bangor Mental Health Institute were deappropriated. It requires the identification of community mental health resources for 45 persons eligible for services under the Program on Aging at the Bangor Mental Health Institute by May 1, 1995. A report is due to the Joint Standing Committee on Human Resources by March 1, 1995. The quality of the resources must be equal to or better than the resources available from the Program on Aging.

If community mental health resources are not identified and contracts entered into by the Division of Mental Health by May 1, 1995, on that date the division must submit a report to the Joint Standing Committee on Human Resources to provide for the restoration of resources at the Bangor Mental Health Institute for 45 persons eligible for services under the Program on Aging. The report must include legislation and appropriations to fund those resources as of July 1, 1995.

COMMITTEE AMENDMENT "A" (S-165) replaces the resolve. It deletes the emergency provisions. It removes the provisions to develop resources at Bangor Mental Health Institute. It requires the Department of Mental Health and Mental Retardation to determine the needs for community-based mental health resources to serve senior citizens and to develop those resources in the eastern and northern Maine regions. It involves consumers and their families, advocates for consumers, providers of mental health services and the department in the process. It requires the department to develop the needed resources within the limitations of the funds appropriated.

The Senate accepted the "ought-not-to-pass" report. The House accepted the committee amendment. The bill died between bodies.

**LD 85      An Act to Amend the Laws Concerning Guardianship**

PUBLIC 51

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
GOLDTHWAIT	OTP-AM	S-42

**SUMMARY**

This bill repeals the law that provides that an owner, proprietor, administrator, employee or other person with a substantial financial interest in a nursing home or a boarding home may not act as a guardian for an incapacitated person who is a resident of that home.

COMMITTEE AMENDMENT "A" (S-42) retains the prohibition against an owner, proprietor, administrator, employee or other person with a substantial financial interest in a nursing or residential care facility acting as guardian for a resident of the facility and creates an exception for close family members and relatives with whom the incapacitated person has lived for 6 months. This brings the guardianship law into agreement with the conservatorship law.

**LD 101      An Act to Direct the Department of Human Services to Contract with the Next Step for Domestic Violence Family Crisis Services**

P & S 18

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
POVICH	OTP-AM      MAJ	H-105      POVICH
RUHLIN	ONTP          MIN	H-65

**SUMMARY**

This bill appropriates funds to the Department of Human Services for the Next Step, a domestic violence shelter in Ellsworth that will serve the towns in Hancock County.

COMMITTEE AMENDMENT "A" (H-65) replaces the appropriation section in order to provide funding for 2 years. The House accepted the committee amendment. The Senate accepted the "ought not to pass" report.

HOUSE AMENDMENT "A" (H-105) strikes the bill and directs the Department of Human Services to contract with the Next Step to provide domestic violence family crisis services within existing state funds. The House and Senate both accepted the House amendment.

**LD 128      An Act to Enhance Access to Ombudsman Program Services for Consumers of Residential Care and Nursing Home Residents      ONTP**

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

**SUMMARY**

This bill increases the license fee surcharge for nursing homes from \$5 per bed to \$10 per bed and establishes a license fee surcharge for residential care facilities at \$10 per bed in order to offset General Fund appropriations for the Long-term Care Ombudsman Program, which is mandated to advocate on behalf of residents of these facilities.

**LD 130      An Act to Protect Nursing Home Residents      ONTP**

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

**SUMMARY**

This bill requires the Department of Human Services to amend the medical criteria for admission to a nursing facility. It gives persons who resided in nursing facilities between July 1, 1993 and the effective date the choice to remain in the facility if they were eligible under the medical criteria used for admission. It requires full reimbursement for services provided to residents of nursing facilities for the time period beginning July 1, 1993 and continuing after the effective date.

**LD 132      An Act to Increase Access to Mental Health Services for Medicaid Recipients      ONTP**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
TOWNSEND BUSTIN DORE	ONTP	

**SUMMARY**

This bill provides that Medicaid reimbursement for mental health services by licensed clinical social workers and licensed clinical professional counselors may not be conditioned on the services being provided in a hospital or clinic.

**LD 134      An Act to Exempt Certain Small Businesses from Paying the Annual Fee to the Public Drinking Water Fund      CARRIED OVER**

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