

# 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:

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

**LD 303**      **An Act to Require the Department of Human Services to Pursue Federal Waivers Concerning Medicaid Eligibility**      ONTP

|                   |                         |                           |
|-------------------|-------------------------|---------------------------|
| <b>SPONSOR(S)</b> | <b>COMMITTEE REPORT</b> | <b>AMENDMENTS ADOPTED</b> |
| KERR<br>HANLEY    | ONTP                    |                           |

**SUMMARY**

This bill requires the Department of Human Services to apply an asset test to pregnant women and children for the purpose of determining Medicaid eligibility and directs the department to seek approval to waive the continued eligibility provisions required under federal law to allow for an eligibility redetermination of pregnant women and children based on changes in household income and assets. The department is also required to report to the Human Resources Committee regarding the status of federal approval for these changes.

This bill also codifies the current practice of not exempting an out-of-state residence based on an intent to return home and adopts the social security income maximum exemption of the value of a vehicle for the purpose of determining Medicaid eligibility for nursing facility services.

**LD 313**      **An Act to Limit Copayments for Participants in Medicaid Managed Care Demonstration Projects**      DIED BETWEEN BODIES

|                   |                                 |                           |
|-------------------|---------------------------------|---------------------------|
| <b>SPONSOR(S)</b> | <b>COMMITTEE REPORT</b>         | <b>AMENDMENTS ADOPTED</b> |
| FITZPATRICK       | OTP-AM      MAJ<br>OTP      MIN |                           |

**SUMMARY**

This bill exempts Medicaid recipients from copayments if they are enrolled in a Medicaid managed care plan approved by the United States Department of Health and Human Services. Under managed care, the majority of services must be approved in advance by a primary care physician under contract with a health maintenance organization or similar entity.

COMMITTEE AMENDMENT "A" (H-198) adds a reference to United States Code, the source of Section 1915(b) waivers under the Medicaid program.

This bill failed of enactment in the Senate and died between bodies.

**LD 321**      **An Act to Implement the Recommendations of the Maine HIV Advisory Committee Concerning HIV Testing**      PUBLIC 404

|                   |                                    |                           |
|-------------------|------------------------------------|---------------------------|
| <b>SPONSOR(S)</b> | <b>COMMITTEE REPORT</b>            | <b>AMENDMENTS ADOPTED</b> |
| MCCORMICK         | OTP-AM      MAJ<br>OTP-AM      MIN | S-269                     |

**SUMMARY**

This bill comprises the recommendations of the Maine HIV Advisory Committee in response to a request by the Joint Standing Committee on Judiciary of the 116th Legislature to review the HIV testing laws. It creates a uniform procedure for determining when HIV testing may be required by court order following an occupational exposure. It also clarifies HIV testing when tissue, blood or body fluids are donated.

The bill allows testing by insurers for only those life insurance policies with a value greater than \$100,000. It also makes clear that a guardian may not consent or refuse to consent to testing for a ward unless that guardian has the authority to consent or withhold consent for medical treatment for the ward.

The bill requires that face-to-face post-test counseling be offered. It also increases the sanctions for releasing test results in violation of the HIV testing laws.

COMMITTEE AMENDMENT "A" (S-269) is the majority report of the committee. It revises the definition of "bona fide occupational exposure" to match the federal definition. It removes the provision concerning HIV testing on donated body parts. It removes the provision that would have amended the disclosure provisions for other agencies. It removes the provisions that would have amended informed consent for insurance. It removes the provision on guardianship. It clarifies the provision on reporting concerning occupational exposure. It adds a waiver provision for a person who declines pretest and post-test counseling. It deletes two proposed additions to the pretest counseling discussion. It clarifies a provision in the post-test counseling section. It makes several changes that are language changes. It deletes the portion of the bill that would have increased the penalties for violating the provisions of the Maine Revised Statutes, Title 22, chapter 501, on HIV testing.

**LD 371      An Act to Abolish the Maine Health Care Finance Commission      INDEF PP**

| <b>SPONSOR(S)</b> | <b>COMMITTEE REPORT</b> |     | <b>AMENDMENTS ADOPTED</b> |
|-------------------|-------------------------|-----|---------------------------|
| WHITCOMB          | OTP-AM                  | MAJ |                           |
|                   | OTP-AM                  | MIN |                           |

**SUMMARY**

This bill abolishes the Maine Health Care Finance Commission. The bill also corrects cross-references. When the repealed sections provided definitions referred to in unrelated laws, this bill enacts the required new definitions.

This bill was indefinitely postponed in both houses. For action on the Maine Health Care Finance Commission, see LD 706 (the Part I budget) Part W and LD 958 (the Part II budget) Parts R and T.

**LD 373      An Act Relating to the Maine Health Program      DIED BETWEEN BODIES**

| <b>SPONSOR(S)</b> | <b>COMMITTEE REPORT</b> |     | <b>AMENDMENTS ADOPTED</b> |
|-------------------|-------------------------|-----|---------------------------|
|                   | OTP-AM                  | MAJ |                           |
|                   | ONTP                    | MIN |                           |

**SUMMARY**

This bill delays the termination of the Maine Health Program from April 1, 1995 to June 30, 1995 and provides a General Fund appropriation to support the additional costs.

COMMITTEE AMENDMENT "A" (H-15), the majority report of the committee, establishes the Short-term Medical Plan to succeed the Maine Health Program from April 1, 1995 to June 30, 1995. It deletes portions of Maine Health Program laws that are not necessary after the termination of the program and not applicable to the Short-term Medical Plan. It corrects a cross-reference to the Maine Health Program in the Maine Revised Statutes, Title 22, section 396-G, subsection 6 concerning hospital finances.