

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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Sen. John W. Benoit
Sen. Rochelle M. Pingree*

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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 & 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&S XXX</i>	<i>Chapter # of enacted Private & 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

An Act to Shift from Small Business Owners to the Department of Labor the Responsibility for Providing the Department of Human Services with Information on New Employees

SPONSOR(S)
AULT

COMMITTEE REPORT
ONTP

AMENDMENTS ADOPTED

SUMMARY

This bill repeals the section of law that requires an employer to report the hiring, rehiring or return to work of an employee to the Department of Human Services. The bill also enacts new law that requires the Department of Labor to report information it receives from employers on the hiring, rehiring or return to work of employees to the Department of Human Services.

An Act Regarding Recovery from Members of the Tobacco Industry of Medicaid and Maine Health Program Health Care Costs for Tobacco-related Illness, Disease or Disability

SPONSOR(S)
TOWNSEND
MILLS
BRENNAN

COMMITTEE REPORT
ONTP MAJ
OTP-AM MIN

AMENDMENTS ADOPTED

SUMMARY

This bill allows the Commissioner of Human Services to recover from members of the tobacco industry the costs of health care for Medicaid recipients and members of the Maine Health Program. It allows for recovery of costs of health care expenses, payment for smoking and tobacco use cessation clinics and release of information and research on smoking and tobacco use. It abrogates certain defenses to the extent necessary to ensure full recovery by the commissioner. It allows suit to be brought for the costs for a number of recipients at once and against a number of defendants at once. It frees these actions from the standard statutes of limitations. It allows compromise and settlement in the best interests of the State. It provides for disbursement to the State of any expenses for health care costs that might be recovered by the recipient. It defines "member of the tobacco industry" as any entity that manufactures tobacco products for smoking or other use by persons and any association or other group of manufacturers engaged in research, the collection or dissemination of information, lobbying or public relations on behalf of manufacturers of tobacco products for smoking or other use by persons.

COMMITTEE AMENDMENT "A" (H-417), the minority report of the committee, amends the bill as follows:

1. It authorizes the recovery of economic loss for injury, illness, disease or disability due to exposure to tobacco and tobacco smoke from tobacco manufacturers doing business in the State after December 31, 1995. It allows the recovery of additional costs, fees and expenses up to 50% of the recovered economic loss plus interest. It apportions liability among manufacturers according to market share. It specifies evidentiary presumptions to be applied by the court. It allows recovery by an individual, insurers or the State.
2. It authorizes the Commissioner of Human Services to sue on behalf of the State for economic loss incurred by the State, through the Attorney General. It allows the commissioner to contract with private consultants and attorneys as needed. It specifies that any funds recovered pay the costs and expenses of the suit and the remainder must be remitted to the General Fund.
3. It imposes strict liability for tobacco manufacturers whose products are distributed, marketed or sold to Maine consumers after December 31, 1995.