

# 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

4. It adds a repeal date to Title 34-B, section 1216 of one year after the United States District Court releases the State from its obligations under the community consent decree.
5. It adds a fiscal note to the bill.

**LD 628      Resolve, Establishing a Public Participation Process to      ONTP**  
**Make Recommendations Concerning the Delivery of Health**  
**and Social Services**

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

**SUMMARY**

This resolve establishes the Health and Social Services Team to solicit broad public response and comment concerning the policy principles articulated in section 2 of this resolve and to gather recommendations from the public concerning changes in the service system that would achieve those principles. By May 15, 1995, the team shall submit the written report of the facilitators retained by the team along with any recommendations of the team to the Legislature and the Governor along with any recommended legislation. The Joint Standing Committee on Human Resources may report out a bill during the First Regular Session of the 117th Legislature to further achieve the principles articulated in section 2.

The team is funded equally by the Department of Human Services and the Department of Mental Health and Mental Retardation from their budgets for administrative services. Staff assistance must be provided by those departments as required by the team.

**LD 644      An Act to Expand Eligibility for Benefits under the Adoption      PUBLIC 414**  
**Assistance Program      EMERGENCY**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
MCCORMICK	OTP-AM	S-109

**SUMMARY**

This bill amends the Adoption Assistance Program to ensure that the program benefits are available for families in which adoptions were finalized before August 1, 1994. Public Law 1993, chapter 686, effective August 1, 1994, extended eligibility to already finalized adoptions if there were facts relevant to a child's eligibility that were not presented at the time of the request for assistance or if the child was eligible for participation in the program at the time of placement and the adoptive parents were not apprised of the program. This bill clarifies that the expansion applies to all adoptions, not just those finalized on or after August 1, 1994.

COMMITTEE AMENDMENT "A" (S-109) rewrites the bill for purposes of clarity. It makes no substantive changes.

**LD 664      An Act Regarding the Functioning of the Department of      PUBLIC 402**  
**Mental Health and Mental Retardation and Several      EMERGENCY**  
**Professional Regulatory Boards**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
	OTP-AM	H-626 H-648    DAGGETT

## **SUMMARY**

Section A-1 updates the list for agencies scheduled for audit and program review.

Sections A-2 and A-3 update the name of a board.

Sections A-4 to A-9 and A-46 clarify certain provisions regarding the Maine Children's Trust Incorporated.

Sections A-11, A-16, A-24, A-27 to A-34, A-36 to A-40 and A-42 to A-44 update the governing laws to clarify meaning, eliminate archaic and gender-specific language, comply with drafting standards and correctly reflect the degree of regulation imposed by professional regulatory boards.

Section A-12 specifies powers and duties for the Board of Licensing of Auctioneers.

Sections A-13, A-17, A-21, A-22 and A-25 specify provisions for the licensing category of small auctioneer.

Sections A-14, A-15 and A-18 increase licensure fees by \$25 for the Board of Licensing of Auctioneers.

Section A-19 shifts certain authority from the Commissioner of Professional and Financial Regulation to the Board of Licensing of Auctioneers.

Section A-20 relieves an auctioneer of a duty to show that auctioneer's license to a municipal official prior to an auction.

Section A-23 relieves the Board of Licensing of Auctioneers of the responsibility to designate the format of a contract with the owner of the property to be sold.

Section A-26 requires the auctioneer to post the title and address of the Board of Licensing of Auctioneers at auctions.

Section A-35 specifies that the Board of Licensing of Dietetic Practice must have equivalent licensure requirements for in-state and out-of-state applicants.

Section A-41 raises the cap for licensure to \$200 annually for the Acupuncture Licensing Board.

Section A-45 clarifies legislative intent.

Section A-47 is a revision clause.

Sections B-1 to B-3 and B-6 require most service contracts between the Department of Mental Health and Mental Retardation and community service providers to span a minimum period of 3 years.

Sections B-4, B-5, B-7 and B-8 amend the periodic contract rebidding process to retain its benefit, but reduce unnecessary expenditure of time, effort and money.

COMMITTEE AMENDMENT "A" (H-626) does the following:

1. It strikes a section in Part A of the bill to reflect the change made by Public Law 1995, chapter 57, section 2, which added a new subsection to the section. The amendment affects Part B of the bill concerning performance-based contracting. It adds requirements for contracting by the Director of the Office of Substance Abuse, the Commissioner of Human Services and the Commissioner of Mental

Health and Mental Retardation. It requires that contracts from these entities that go through the request-for-proposal procedure be advertised and preceded by an informational meeting. It allows a negotiated contract process if only one bidder is interested. It allows the contracting entities to reject any bids and any proposals submitted during negotiations.

2. It updates the Maine Uniform Accounting and Auditing Practices Act for Community Agencies. It brings the State into compliance with federal law and enhances accountability for agreements between state departments and community agencies.
3. It helps prevent duplicative audits of community agencies and overlapping, uncoordinated and contradictory reporting requirements. It strengthens standardized accounting and audit practices.
4. It allows a department, as defined in the Maine Revised Statutes, Title 5, section 1660-D, to utilize the risk pool concept to assess and resolve a backlog of cases that are currently pending before the department.

HOUSE AMENDMENT "A" TO COMMITTEE AMENDMENT "A" (H-648) adds language that prohibits nonparticipating departments from imposing audit requirements or agreement compliance and cost criteria to an agreement with a community agency that do not conform to the requirements of the Maine Revised Statutes, Title 5, section 1660-D, subsection 16. The amendment also adds a new section that requires the Commissioner of Human Services and the Commissioner of Mental Health and Mental Retardation and the Advisory Committee to the Commissioner to conduct a study of the consolidation of audit divisions with responsibilities for audits and cost determinations of agreements and community agencies. The report is due December 31, 1995.

**LD 705      An Act to Discourage Prescription Drug Fraud**

PUBLIC 175

**SPONSOR(S)**  
PENDEXTER

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
S-120

**SUMMARY**

This bill requires valid photographic identification to be presented by those receiving prescriptions for the most addictive or most frequently abused drugs. It identifies those drugs, defines what constitutes a valid photographic identification card and describes the process that the pharmacist needs to follow.

COMMITTEE AMENDMENT "A" (S-120) replaces the bill. It allows pharmacists to require proof of photographic identification prior to filling prescriptions. It specifies acceptable forms of photographic identification and allows for additional means as adopted by rule of the Board of Commissioners of the Profession of Pharmacy. It authorizes pharmacists to exercise discretion and refuse to fill any prescription or dispense any drug if unsatisfied as to the prescription or the identification or the identity of the patient or the person acting on behalf of the patient. The amendment also adds a fiscal note to the bill.

**LD 744      An Act to Apply the Hospital Cooperation Act of 1992 to  
a Broader Range of Health Care and Social Service Agencies**

PUBLIC 232

**SPONSOR(S)**  
FITZPATRICK

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
H-266

**SUMMARY**

This bill amends the Hospital Cooperation Act of 1992 to make it applicable to a broader range of health care and social service agencies.