

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:

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

SUMMARY

This bill directs the Department of Human Services to establish a transitional pharmacy benefit program to provide life-sustaining drugs to persons enrolled in the Maine Health Program on March 31, 1995. The program starts on April 1, 1995, and ends on June 30, 1995 and is subject to appropriated resources. If resources permit, the department is directed to provide as comprehensive a pharmacy benefit program as possible, within the limits of the appropriation. Any balance in the fund on June 30, 1995 is carried over until December 31, 1995 to pay expenses of the program. Any balance remaining on December 31, 1995 lapses to the General Fund.

This bill was enacted in the Senate and failed of emergency enactment in the House. The bill died between bodies.

LD 784 An Act to Legalize Marijuana for Medicinal Purposes ONTP

SPONSOR(S) COMMITTEE REPORT AMENDMENTS ADOPTED
STEVENS K ONTP

SUMMARY

This bill reestablishes the Marijuana Therapeutic Research Program, administered by the Commissioner of Human Services, which was repealed December 31, 1987. The bill also establishes the Participation Review Board. The Board of Registration in Medicine must review any patient wishing to participate in the program. Participation is limited to chemotherapy or radiation therapy and glaucoma patients who are not responding to conventional treatment or who are suffering severe side effects, and any other patient when medical evidence presented to the board justifies that participation. If the Board of Registration in Medicine approves a patient, the patient's physician may write a prescription that can be filled at a state or privately operated licensed pharmacy designated by the commissioner. The commissioner may obtain analyzed marijuana available from the Federal Government and deliver it to the pharmacy for dispensing to any approved patient with a written prescription from the patient's physician. The commissioner and the Participation Review Board are required to make an annual report to the Governor and the Legislature, enabling both the legislative branch and executive branch to monitor the program closely. This bill also defines side effects of chemotherapy or radiation therapy as "significant nausea or vomiting." The bill also repeals the provisions related to glaucoma patients on October 1, 1998.

See also LD 204 and LD 929.

LD 799 An Act to Amend the Laws Governing HIV Testing at the Request of Victims of Sexual Assault PUBLIC 319

SPONSOR(S) COMMITTEE REPORT AMENDMENTS ADOPTED
MCALEVEY OTP-AM H-299

SUMMARY

This bill amends the laws to require a court to order a person convicted of a crime involving a sexual act, gross sexual assault or sexual abuse of a minor to be tested for HIV if the victim makes a request at the time of sentencing.

COMMITTEE AMENDMENT "A" (H-299) brings the bill into compliance with the requirements of 42 United States Code, Section 3756 (f). It removes a requirement that is inconsistent with federal law stating that the victim of the sexual assault must allegedly have been exposed to the blood or body fluids of the convicted offender. Conviction of a sexual assault under the Maine Revised Statutes, Title 17-A, section 251, subsection 1, paragraph C, subparagraph (1) is sufficient. The amendment requires that the victim

be offered referrals for health care and support services. It adds a parent, guardian or authorized representative as a person who may petition to have testing done. It requires the testing health care facility, upon request of the petitioner, to disclose to the convicted offender the test results, as required by federal law.

See LD 1330.

LD 813 An Act to Replace Existing Child Support Guidelines ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
AHEARNE	ONTP	

SUMMARY

This bill requires the Department of Human Services to adopt rules establishing a child support table that incorporates the Connecticut Child Support and Arrearage Guidelines adopted by the Connecticut Commission for Child Support Guidelines in 1994. The schedule must be adopted by January 1, 1996. The definition of "child support table" is amended to reflect the change, effective January 1, 1996.

**LD 821 An Act to Amend the Laws Regarding the Procedures for PUBLIC 143
Emergency Admissions to a Mental Hospital EMERGENCY**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
DORE	OTP-AM	H-191

SUMMARY

This bill authorizes a law enforcement agency to enter into an agreement with a mental health institution to allow a law enforcement officer to transfer custody of a person for whom emergency admittance to a mental health institution is sought to the chief administrative officer of a nonstate mental health institution or the chief administrative officer's designee.

COMMITTEE AMENDMENT "A" (H-191) makes consistent all language regarding public and private health practitioners and health care facilities.

**LD 844 An Act to Improve Efficiency in Contracting and Program ONTP
Evaluation for Social Services**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
PENDEXTER	ONTP	

SUMMARY

This bill eliminates the mandatory request-for-proposal procedure for social service contracts between community service providers and the Department of Human Services, the Department of Mental Health and Mental Retardation and the Office of Substance Abuse. It directs the agencies to ensure that all agreements to purchase services from community service providers are performance-based contracts.

LD 846 An Act to Provide Funds for Family Crisis Shelters INDEF PP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
AMERO	OTP-AM	