

# 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

**SUMMARY**

This bill establishes a procedure for identifying children in need of supervision and addressing their needs. A child in need of supervision is defined as:

- 1. A child of compulsory school age who is habitually absent from school without legal excuse;
- 2. A child who has run away from home or is otherwise beyond the control the child's parent, guardian or custodian; or
- 3. A child whose behavior or condition endangers the child's own welfare or the welfare of others.

This bill contains the following changes to state law recommended by the Commission on Children in Need of Supervision and Treatment in 1989.

- 1. The bill creates the Maine Commission for Youth and Families, modeled upon existing advocacy commissions in State Government, to provide a centralized office to serve inquiries regarding state-provided child and family services, to assist in developing and evaluating state policy toward children and families and to serve as an advocate for children and families within State Government.
- 2. The bill provides authority and funding to the Bureau of Children with Special Needs to implement a broad spectrum of services for children in need of supervision. These needed services will ensure that appropriate treatment services are available to children in need of supervision and that no gaps exist in the services. Under the bill, services will be delivered by the State and through contract with private service providers on a regional basis to ensure adequate coverage of the entire State.
- 3. The bill calls for a further study to be conducted by the Maine Commission for Youth and Families and directs the commission to evaluate the efficacy of the current youth and family service system in Maine. The commission will employ a consultant to perform the study at the direction of the commission. In particular, the study will focus on efforts to coordinate the provision of youth and family services by the various departments of State Government. The commission shall submit its report, with any recommended legislation, to the First Regular Session of the 118th Legislature.

The bill also provides for secure facilities for children in need of supervision who do not comply with valid court orders.

The bill also requires the Department of Mental Health and Mental Retardation to develop a capacity to provide facilities within the State for children who require long-term care for mental illness and who have additional conditions that make the use of secure facilities appropriate in providing necessary treatment and care.

COMMITTEE AMENDMENT "A" (H-382) replaces the bill. It defines "residential treatment facility with secure capacity." It deletes the remainder of the bill. It adds a fiscal note to the bill.

**LD 1534**

**An Act to Establish the Board of Licensure of Water Treatment Plant Operators**

PUBLIC 442

**SPONSOR(S)**  
TAYLOR

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
H-489

**SUMMARY**

This bill establishes the Board of Licensure of Water Treatment Plant Operators within the Department of Human Services. The primary purpose of the board is to provide expert support and direction within the department for the examination and licensure of water treatment plant operators. Specific fees and

licensure standards must be established by rule of the board. Funding for the board is expected to come from fees generated through license applications, renewals and reinstatements. The fees must be deposited in a nonlapsing account dedicated to the board. The board is also commissioned to study the necessity of licensing testers of backflow prevention devices.

COMMITTEE AMENDMENT "A" (H-489) removes the requirement that the public member of the Board of Licensure of Water Treatment Plant Operators who is a registered professional engineer be employed by a water utility. It removes repeal of the maximum fee levels for examination and license renewal.

**LD 1558      An Act to Deregulate the Costs and Revenues Associated with      PUBLIC 497**  
**Acute Care Provided to Involuntarily Committed Patients**  
**within the Hospital Care Finance System**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
WINGLASS	OTP-AM	H-555

**SUMMARY**

As part of a consent decree to settle claims made against the State in connection to its operation of the Augusta Mental Health Institute, the State has agreed to establish community-based treatment options for patients who are involuntarily committed for mental health treatment. To meet that obligation, the Department of Mental Health and Mental Retardation intends to contract with hospitals to admit such patients, affecting over time approximately 48 hospital beds in southern Maine and approximately 14 beds in the Bangor area. To encourage hospitals to participate in such contracts, this bill excludes from regulation by the hospital care finance system the costs associated with providing care to involuntarily committed patients, as well as the revenues received to pay for that care. The most significant impact of that exclusion would be that the hospitals' Medicaid tax assessments, based on gross revenue limits, would not be increased as a result of those additional revenues collected for providing care to involuntarily committed patients.

COMMITTEE AMENDMENT "A" (H-555) amends the provision on consideration of hospital financial requirements. During any time that payments to hospitals are made under the federal disproportionate share to hospitals formula, it requires the Maine Health Care Finance Commission to exclude the cost of services provided to involuntarily committed patients.

**LD 1585      An Act Regarding Narcotic Dependency      PUBLIC 499**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
STEVENS A		S-365

**SUMMARY**

The bill amends the Maine Revised Statutes, Title 17-A, section 1102, subsection 1, paragraph I to include methadone hydrochloride and levo-alpha-acetyl-methadol within the designation of schedule W drugs.

Incorporating existing federal law, the bill clarifies the law by explicitly requiring that possession, use or prescription of any drug or substance can be lawful only if issued for a legitimate medical or veterinary purpose by a licensed or authorized person acting in the usual course of that person's professional practice and, thus, incorporates existing federal law.

It expands lawful possession of certain drugs to include "controlled substances" and "scheduled drugs" and defines those words.