

MAINE STATE LEGISLATURE

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**STATE OF MAINE
117TH LEGISLATURE**

SECOND REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
HUMAN RESOURCES¹**

JUNE 1996

MEMBERS:

Sen. Joan M. Pendexter, Chair

Sen. John W. Benoit

Sen. Rochelle M. Pingree

Rep. Michael J. Fitzpatrick, Chair

Rep. Birger T. Johnson

Rep. David Etnier

Rep. J. Elizabeth Mitchell

Rep. Kyle W. Jones

Rep. Glenys P. Lovett

Rep. Jeffery G. Joyner

Rep. Jean Ginn Marvin

Rep. Robert J. Winglass

Rep. Henry L. Joy

Staff:

Jane Orbeton, Legislative Analyst

*Office of Policy and Legal Analysis
Room 101/107/135, 13 State House Station
Augusta, ME 04333
(207)287-1670*

¹ Amendments to Joint Rule 13 adopted this session changed the committee name to the Joint Standing Committee on Health and Human Services.



**Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS**

13 State House Station, Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

**ONE HUNDRED SEVENTEENTH LEGISLATURE
SECOND REGULAR SESSION**

***Summary Of Legislation Before The Joint Standing Committees
June 1996***

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are 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 finally passed 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>

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is July 4, 1996.

LD 1716 **An Act to Allow the Department of Human Services to Release the Names of Individuals Who Receive Welfare Benefits as a Result of Serious, False Misrepresentation** ONTP

<u>Sponsor(s)</u> BUSTIN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1716 proposed to allow the Department of Human Services, in response to a request, to release the name of an obligor and the amount of any overpayment to that obligor if the obligor has been determined to have received an overpayment under the food stamp program or the Aid to Families with Dependent Children program, the overpayment is the result of serious, false misrepresentation by the obligor and a court action with regard to the overpayment has been filed.

This bill would have allowed municipalities, in response to a request, to release the name of a recipient of general assistance and the amount of any overpayment to that recipient if it had been determined that the recipient obtained assistance by serious, false misrepresentation and if a determination had been made that a recipient is required to reimburse the municipality.

LD 1730 **An Act to Require the Department of Human Services to Base Eligibility for Medicaid Reimbursement for Nursing Facility Care on a Person's Entire Medical Condition** PUBLIC 687
EMERGENCY

<u>Sponsor(s)</u> PINGREE TREAT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-557 S-578
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LD 1730 proposed to require the Department of Human Services to adopt rules amending the Medical Eligibility Determination form and Chapter 67 of the Maine Medical Assistance Manual so that applicants for Medicaid reimbursement for nursing facility care would have been evaluated based on their entire medical and social condition for 30 days prior to the assessment and so that nursing needs would have been recognized if they had been required on 3 or more days during any 14-day period in the 30 days prior to the assessment. See also LDs 1604 and 1806.

Committee Amendment "A" (S-557) is the Majority Report. It replaced the bill. It would have required the Department of Human Services to adopt rules to begin using a 2nd assessment standard for persons with Alzheimer's disease and other dementias. The department would have begun using these new assessment standards in addition to the MED'94 by May 1, 1996. Nursing facilities accepting persons found eligible using this assessment tool would have been required to train personnel in Alzheimer's disease and other dementias immediately in order to qualify for reimbursement from the State. By July 1, 1997, the department would have been required to adopt standards for treatments, services and settings to meet the needs of individuals who have Alzheimer's disease and other dementias.

This amendment proposed to require the Department of Human Services to report to the joint Standing Committee on Health and Human Services by January 15, 1997, on the extent to which the supplemental assessment tool has expanded medical eligibility for nursing facility care to include persons with Alzheimer's disease or similar dementias. The amendment would have added a fiscal note and appropriation and allocation sections.

Senate Amendment "A" To Committee Amendment "A" (S-578) proposed to remove the appropriation and allocation sections in Committee Amendment "A" since funding was provided in L.D. 1759 (the supplemental budget), enacted as Public Law 1995, chapter 665.

Enacted law summary

Public Law 1995, chapter 687 comprises the provisions of Committee Amendment A and Senate Amendment A. It requires the Department of Human Services to adopt rules to begin using a 2nd assessment standard for persons with Alzheimer's disease and other dementias. The department will begin using these new assessment standards in addition to the MED'94 by May 1, 1996. Nursing facilities accepting persons found eligible using this assessment tool will be required to train personnel in Alzheimer's disease and other dementias immediately in order to qualify for reimbursement from the State. By July 1, 1997, the department will adopt standards for treatments, services and settings to meet the needs of individuals who have Alzheimer's disease and other dementias.

The Department of Human Services is required to report to the Joint Standing Committee on Health and Human Services by January 15, 1997, on the extent to which the supplemental assessment tool has expanded medical eligibility for nursing facility care to include persons with Alzheimer's disease or similar dementias.

Public Law 1995, chapter 687 takes effect April 11, 1996.

LD 1731 An Act to Amend the Mass Gathering Laws

ON

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARADIS	ONTP MAJ	
KNEELAND	OTP-AM MIN	

LD 1731 proposed to make the following changes to the laws regulating mass outdoor gatherings:

1. Provide that for the purpose of determining whether a gathering is a mass outdoor gathering, a person staying, camping or otherwise temporarily residing on property next to the property of the gathering is considered to be attending the gathering;
2. Establish a process for the issuance of a mass outdoor gathering permit, including the requirement that an application for a permit be submitted no later than 120 days before the gathering; and
3. Provide that the requirement for a bond does not preclude a person from obtaining personal liability insurance for the gathering.

Committee Amendment "A" (S-479) is the Minority Report. It proposed to shorten from 120 days in the bill to 60 days the time period for submitting a mass gathering permit application and shorten in proportion the time periods for response, resubmission and decision. (Not adopted.)