

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:

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



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**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 1773**An Act to Ensure the Continued Stability of Services for Persons with Mental Retardation**PUBLIC 685
EMERGENCYSponsor(s)
FITZPATRICKCommittee Report
OTP-AMAmendments Adopted
H-906
S-566

LD 1773 proposed to provide a 2-part mechanism for the payment of premiums for workers' compensation insurance carried by private agencies providing services to individuals with mental retardation beginning July 1, 1996. It would have required the Superintendent of Insurance to review the establishment of a special classification for workers at these facilities and to report by September 1, 1996 to the banking and insurance and human resources committees.

Committee Amendment "A" (H-906) is the Majority Report. It replaced the bill. It proposed to remove from the bill the provisions requiring the Department of Mental Health, Mental Retardation and Substance Abuse Services to ensure that private agencies providing mental retardation services under contract have loss prevention programs in place. It would have removed the portion of the bill requiring a report on special classifications for workers' compensation insurance. It would have added reimbursement criteria that depend on an agency's workers' compensation experience modification rating and that provide incentives to provide a safe workplace.

The amendment would have added an appropriation and a fiscal note.

Senate Amendment "A" To Committee Amendment "A" (S-566) would have added an emergency clause at the end of the committee amendment.

Enacted law summary

Public Law 1995, chapter 566 comprises the provisions of Committee Amendment "A" and Senate Amendment "A". The law provides a means for the Department of Mental Health, Mental Retardation and Substance Abuse Services to encourage private agencies providing mental retardation services under contract to have loss prevention programs in place. It provides reimbursement criteria that depend on an agency's workers' compensation experience modification rating and that provide incentives to provide a safe workplace. Agencies with ratings below 1.0 must be paid 1/2 of any cost decrease. Agencies that have ratings of 1.0 to 1.39 must be paid the full amount of any cost decrease if they have loss prevention plans. Agencies that have ratings of 1.4 or greater must be paid 1/2 of the cost increase if they have loss prevention plans.

Public Law 1995, chapter 685 takes effect April 11, 1996.

LD 1784**An Act to Amend the Home Health Laws**

PUBLIC 620

Sponsor(s)
WINGLASSCommittee Report
OTPAmendments Adopted

LD 1784 proposed to allow the Department of Human Services to establish a receivership situation for a home health care provider similar to that which is already used for other providers, such as nursing homes. The receivership would have allowed the department to take action against a provider who had committed a serious violation, while still allowing the service to continue to be provided to the clients of the home health care provider. This bill would have