

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.

6. It enacts provisions requiring the Department of Human Services to draft a comprehensive health plan and to convene an annual health workforce forum.

7. It provides appropriations and allocations necessary to support the Maine Health Care Finance Commission until December 31, 1996, at the latest, and the Maine Health Data Organization from its beginning until June 30, 1997.

Enacted as an emergency, Public Law 1995, chapter 653 contains a number of effective dates (the earliest of which is April 10, 1996), depending on the specific provisions involved. See also LD 1722 and 1673.

**LD 1795 An Act to Clarify the Laws Pertaining to the Regulation of
Narcotic Dependency Treatment Programs**

PUBLIC 621

Sponsor(s)
AULT

Committee Report
OTP-AM

Amendments Adopted
H-841

LD 1795 proposed to clarify the laws regulating narcotic dependency treatment programs. The bill would have made minor technical changes to provisions dealing with the distribution of and accounting for controlled substances. The bill would have clarified that the Director of the Office of Substance Abuse may not authorize employment of persons who have been convicted of felonies and drug offenses within treatment programs unless the potential employee had obtained the necessary federal waivers. The bill would have repealed a section of law that restricts physicians from using certain drugs for legitimate medical purposes and an unnecessary provision from the pharmacy laws.

Committee Amendment "A" (H-841) is the Majority Report. It proposed to amend section 2 of the bill and add a fiscal note. It would have added conditions to the authorization of the Director of the Office of Substance Abuse to grant an exception to the prohibition on treatment programs employing persons who have been convicted of felonies and drug offenses.

Enacted law summary

Public Law 1995, chapter 621 comprises the provisions of the bill and the Committee Amendment. It clarifies language on the distribution and accounting for scheduled drugs. It adds conditions to the authorization of the Director of the Office of Substance Abuse to grant an exception to the prohibition on treatment programs employing persons who have been convicted of felonies and drug offenses. It repeals provisions of law restricting the possession, receipt and dispensing of scheduled or prescription drugs and controlled substances that are duplicative of restrictions contained elsewhere in Maine law. It repeals provisions contained in the Pharmacy Act regarding the investigation of complaints that are duplicative of provisions contained elsewhere in Maine law.

LD 1806 An Act to Promote Choice and Quality in Long-term Care

PUBLIC 696
EMERGENCY

Sponsor(s)
PENDEXTER
TOWNSEND

Committee Report
OTP-AM

Amendments Adopted
S-563

LD 1806 contains the long-term care initiative of Governor King. For related bills, see also LD 1604, 1730 and 1835. See also LD 1759, the supplemental budget enacted in 1996, which was enacted as Public Law 1995, chapter 665, Parts A and KK. The bill proposed the following:

1. To increase the penalties for assault against and misuse of entrusted property of victims 60 years of age or older and provide a broader definition of a "fiduciary" against whom a charge of misuse of entrusted property may be brought;
2. To streamline the regulatory process under the Maine Certificate of Need Act and eliminate outdated or unnecessary requirements. The bill also would have removed home health agencies from review in order to eliminate regulatory barriers to the establishment of additional home care resources.
3. To streamline the reporting of abuse, neglect and exploitation occurring within licensed facilities by eliminating duplication in reports from these facilities. The bill also would have expanded the Department of Human Services' access to records of licensed facilities when investigating reports of abuse, respect or exploitation. A technical amendment would have been made to the long-term care ombudsman program to reflect statutory changes from a previous legislative session having to do with the licensing of residential care facilities and ensuring that ombudsman staff and volunteers have access to adult family care homes licensed by the department. The bill also would have expanded the definition of the practice of professional nursing to include the coordination and oversight of patient care services provided by other unlicensed assistive personnel. The nursing provision is identical to a provision of LD 1835, enacted as Public Law 1995, chapter 670.

Committee Amendment "A" (S- 563) is the Majority Report. It replaced the bill and made it emergency legislation. It would have deleted those sections of the bill that raised the criminal penalties for certain assaults and misuse of entrusted property. In their place, the amendment would have required the Commissioner of Human Services to convene a study group to review reported crimes against the elderly and to identify barriers to successful prosecution. It would have deleted from the bill the statutory provisions on the long-term care ombudsman program because those sections are contained in the legislation from the Assisted Living Task Force in LD 1835, enacted as Public Law 1995, chapter 670.

The amendment would have required the Department of Human Services to seek authorization from the Legislature prior to implementing changes to the Medicaid program that would cause changes in enrollment of greater than 10% among categorically eligible groups or elimination of services covered on August 1, 1996.

The amendment would have created the Long-term Care Steering Committee to provide input to the Commissioner of Human Services on all policy initiatives, laws and rules concerning long-term care and assisted living. It would have required a report from the Commissioner of Human Services by January 1, 1997 to the Joint Standing Committee on Health and Human Services on the experience and progress of the department in developing adult family care homes.

The amendment would have provided an expedited review process for nursing facilities that have voluntarily reduced their licensed bed capacity. It also would have allowed the reopening (within 4 years, with a 4-year extension possible, of the date of the license reduction) of up to 100 voluntarily reduced beds per year through an expedited certificate of need process without the requirement of obtaining express approval from the Legislature.

The amendment would have added a fiscal note to the bill.

Enacted law summary

Public Law 1995, chapter 696 comprises the provisions of the Committee Amendment. It requires the Commissioner of Human Services to convene a study group to review reported crimes against the elderly and to identify barriers to successful prosecution. It streamlines the certificate of need provisions effective April 11, 1996.

Beginning August 1, 1996, the law requires the Department of Human Services to seek authorization from the Legislature prior to implementing changes to the Medicaid program that would cause changes in enrollment of greater than 10% among categorically eligible groups or elimination of services covered on August 1, 1996.

The law creates the Long-term Care Steering Committee to provide input to the Commissioner of Human Services on all policy initiatives, laws and rules concerning long-term care and assisted living. It requires a report from the Commissioner of Human Services by January 1, 1997 to the Joint Standing Committee on Health and Human Services on the experience and progress of the department in developing adult family care homes.

The law provides an expedited review process for nursing facilities that have voluntarily reduced their licensed bed capacity. It also allows the reopening (within 4 years, with one 4-year renewal possible, of the date of the license reduction) of up to 100 voluntarily reduced beds per year through an expedited certificate of need process without the requirement of obtaining the express approval from the Legislature.

The law does not enact provisions of the bill on the long-term care ombudsman program and the definition of professional nursing because those sections are contained in the legislation from the Assisted Living Task Force in LD 1835, enacted as Public Law 1995, chapter 670.

Public Law 1995, chapter 696 takes effect April 11, 1996.

LD 1812 An Act to Extend Health Care Coverage for Parents Leaving the Aid to Families with Dependent Children Program

PUBLIC 692

Sponsor(s)
MILLS

Committee Report
OTP-AM

Amendments Adopted
S-556

LD 1812 proposed to remove the one-year time limit for transitional medical benefits for families leaving the Aid to Families with Dependent Children program and extend benefits for 2 extra years. It would have directed the Department of Human Services to determine whether a waiver is necessary and, if so, to apply for the waiver or amend a pending or existing waiver. It would have directed the department to require the reporting of income or circumstances and the payment of premiums in the same manner as for transitional medical assistance.

Committee Amendment "A" (S-556) is the Majority Report. It replaced the extended benefits provision of the bill. It would have established a 2-year extension of the transitional medical assistance program under Medicaid beginning February 1, 1997. It would have required the payment of premiums equal to 3% of a family's income, minus child care costs, beginning in the 7th month of transitional assistance for those entering the transitional medical assistance program on or after February 1, 1997 whose average gross monthly earnings less average monthly child care costs are more than 100% of the federal poverty guidelines. The amendment would have clarified current law establishing eligibility for the program at 185% of the federal poverty