

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
117TH LEGISLATURE**

**SECOND REGULAR SESSION**

**BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
HUMAN RESOURCES<sup>1</sup>**

**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*

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<sup>1</sup> 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 &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 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.

***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

guidelines. It would have given the department rule-making authority with respect to premiums paid by those entering the transitional medical assistance program prior to February 1, 1997 and given the department rule-making authority to change the reporting requirements of the program. It would have required the department to seek a waiver from the federal Department of Health and Human Services if necessary to achieve the purposes of the amendment.

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

***Enacted law summary***

Public Law 1995, chapter 692 comprises the provisions of the Committee Amendment and the bill. The law establishes a -2-year extension of the transitional medical assistance program under Medicaid beginning February 1, 1997. It requires 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. It clarifies current law establishing eligibility for the program at 185% of the federal poverty guidelines. It gives the department rule-making authority with respect to premiums paid by those entering the transitional medical assistance program prior to February 1, 1997 and gives the department rule-making authority to change the reporting requirements of the program. It requires the department to seek a waiver from the federal Department of Health and Human Services if necessary to achieve the purposes of the law. Some provisions take effect February 1, 1997.

**LD 1835      An Act to Provide for Assisted Living Services      PUBLIC 670**

Sponsor(S)	Committee Report OTP-AM	Amendments Adopted S-544 S-552
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LD 1835 is the report of the Assisted Living Task Force, a task force created by the First Regular Session of the 117th Legislature, in Public Law 1995, chapter 362. The bill proposed to enact a number of provisions, as follows.

1. Part A proposed to change to the statutes on residential care facilities and repeal and replace Maine Revised Statutes, Title 22, chapter 1457-A with chapter 1665, "Assisted Living Programs." The various types of assisted living programs are defined, including residential care facilities and congregate housing facilities, as are the types of services they may provide. This Part proposed to authorize the Commissioner of Human Services to adopt rules for assisted living programs in consultation with providers, advocates and consumer representatives. It would have made changes to the congregate housing services laws, extending the Act to cover younger adults with disabilities as well as the elderly. It proposed to eliminate the process of certification of congregate housing services programs, replacing it with a process of optional licensing for assisted living providers that offer personal care assistance and mandatory licensing for assisted living providers that offer personal care assistance including administration of medication and nursing services. It proposed to make changes to the licensing laws, set fees and set fire safety requirements.
2. Part B proposed to add assisted living facilities to the facilities that come under the jurisdiction of the long-term care ombudsman. It proposed to set forth requirements for shared staffing in assisted living programs, residential care facilities and long-term care facilities. It would have extended residents' rights laws to assisted living programs. It would have allowed 2-year licenses