

## STATE OF MAINE 118TH LEGISLATURE

# FIRST REGULAR SESSION AND FIRST SPECIAL SESSION

# BILL SUMMARIES JOINT STANDING COMMITTEE ON HEALTH AND HUMAN SERVICES

**JULY 1997** 

MEMBERS: Sen. Judy Paradis, Chair Sen. Susan W. Longley Sen. Betty Lou Mitchell

Rep. J. Elizabeth Mitchell, Chair Rep. Joseph E. Brooks Rep. Elaine Fuller Rep. Thomas J. Kane Rep. Wendy Pieh Rep. Michael W. Quint Rep. Glenys P. Lovett Rep. Jeffery G. Joyner Rep. Tarren R. Bragdon Rep. Lois A. Snowe-Mello

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



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 EIGHTEENTH LEGISLATURE FIRST REGULAR AND FIRST SPECIAL SESSIONS

### Summary Of Legislation Before The Joint Standing Committees August 1997

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, <u>History and Final Disposition of Legislative Documents</u>, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

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:

CARRIED OVER	Bill carried over to Second Regular Session
CON RES XXX	
	One body accepts ONTP report; the other indefinitely postpones the bill
	Action incomplete when session ended; bill died
EMERGENCY	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINA	L PASSAGE Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE	
FAILED MANDATE ENACTMENT	Bill imposing local mandate failed to get 2/3 vote
INDEF PP	Bill Indefinitely Postponed
ONTP	Ought Not To Pass report accepted
<i>OTP ND</i>	Committee report Ought To Pass In New Draft
<i>OTP ND/NT</i>	Committee report Ought ToPass In New Draft/New Title
P&S XXX	Chapter # of enacted Private & Special Law
PUBLIC XXX	Chapter # of enacted Public Law
RESOLVE XXX	Chapter # of finally passed Resolve Bill held by Governor
UNSIGNED	Bill held by Governor
VETO SUSTAINED	Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 26, 1997 and September 19, 1997 for the First Special Session.

*David E. Boulter, Director* Offices Located in the State House, Rooms 101/107/135

### LD 413 An Act to Ban All Smoking within Workplaces, Restaurants and DIED BETWEEN Public Accommodations BODIES

Sponsor(s)	Committee Report	Amendments Adopted
MILLS	ONTP A	
TOWNSEND	OTP-AM B	
	OTP-AM C	

LD 413 proposed to ban smoking in all workplaces, restaurants and other places of public accommodation.

**Committee Amendment ''A'' (S-198)** proposed to replace the bill, prohibiting smoking in restaurants, except for those with separate bars in which smoking is allowed, and requiring taverns and lounges to have no-smoking areas similar to the no-smoking areas currently in restaurants. It would have added a fiscal note to the bill.

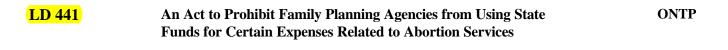
**Senate Amendment "A" to Committee Amendment "A" (S-225)** proposed to amend Committee Amendment "A." It would have retained the ban on smoking in restaurants, while allowing smoking in Class A lounges and separate, enclosed areas of restaurants used primarily for serving alcoholic beverages. It would have removed the requirement that taverns and lounges set up no-smoking areas.

**Committee Amendment "B"** (S-199) proposed to replace the bill. It would have required lounges and taverns to establish no-smoking areas similar to the current no-smoking areas in restaurants and allowed wait staff in restaurants with smoking and no-smoking areas to have a choice of working in no-smoking or smoking areas. It would have required a report from the Commissioner of Human Services by January 1, 1998 on the standard used in no-smoking areas of restaurants, "reasonably calculated to meet the needs of the nonsmoking public", and added a fiscal note to the bill.

LD 422	An Act to Improve the Delivery of Substance Abuse Services in	ONTP
	Maine	

Sponsor(s)	Committee Report	Amendments Adopted
NUTTING	ONTP	
MCKEE		

LD 422 proposed to require the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to award contracts for services based on performance-based contracting, eliminating the right of the commissioner to reject bids. The bill would have applied retroactively to November 1, 1996.



Sponsor(s)	Committee Report	Amendments Adopted
AHEARNE	ONTP	

LD 441 proposed to prohibit the use of state funds for construction or rent payments for facilities at which abortion services are provided or to fund abortions or abortion referral services.

#### LD 443 An Act to Require Criminal Background Checks for Home Health ONTP Care Workers

Sponsor(s)Committee ReportAmendments AdoptedLEMKEONTP

LD 443 proposed to protect clients of home health care providers by requiring criminal background checks on employees of the provider.

See LD 1046, Resolves 1997, chapter 29, establishing the Task Force on Registration of In-home Personal Care and Support Workers.

### LD 445 An Act to Assist Low-income Working Parents ONTP

<u>Sponsor(s)</u> MITCHELL J	Committee Report ONTP	Amendments Adopted
MICHAUD	0.111	

LD 445 proposed to allow families receiving AFDC (now TANF) to continue to receive some amount of financial assistance until their work earnings are sufficient to meet their basic needs.

See LD 1896, Public Law 1997, chapter 530.

#### LD 455 An Act to Create a Compliance Plan for Certain Residents of ONTP Mental Health Facilities

Sponsor(s)Committee ReportAndMARVINONTPMITCHELL B	mendments Adopted
---	-------------------

LD 455 proposed to require that before a patient or resident who is determined to be predisposed to violence may be discharged from a mental health facility or institute, the Department of Mental Health, Mental Retardation and Substance Abuse Services must prepare an individual compliance plan to ensure that the person continues on any necessary course of medication. The bill would have required that if the patient fails to take the medication or refuses to submit to tests to determine whether the medication is continuing to be taken, then the person would be returned to the facility or institute.