

MAINE STATE LEGISLATURE

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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:

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Sen. Susan W. Longley
Sen. Betty Lou Mitchell

Rep. J. Elizabeth Mitchell, Chair

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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, History and Final Disposition of Legislative Documents, 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:

<i>CARRIED OVER</i>	<i>Bill carried over to Second Regular 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 IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</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/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</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>OTP ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i>	<i>Committee report Ought To Pass In New Draft/New Title</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>Bill held by Governor</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 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 960

An Act to Repeal Medicaid Estate Recovery Laws

ONTP

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

LD 960 proposed to repeal Medicaid estate recovery laws enacted by Public Law 1993, chapter 707, Part I, section 1, under which claims are made against the estates of persons who received Medicaid benefits.

Committee Amendment "A" (H-283) proposed to allow a recipient of Medicaid to claim one exemption of up to \$10,000 from the Medicaid estate recovery provisions. It would have added an appropriation of \$1,537,500 in fiscal year 1997-98 and \$2,132,000 in fiscal year 1998-99. It would have added a fiscal note to the bill.

LD 991

An Act to Address Issues Raised by the Select Committee to Study Rate Increases in Nursing Homes

PUBLIC 329

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TOWNSEND PINGREE	OTP-AM	H-415

LD 991 proposed to require the Department of Human Services to standardize nursing home rates and nursing home contracts that are used for all nursing home residents.

Committee Amendment "A" (H-415) This amendment proposed to replace the resolve. It proposed to require the Commissioner of Human Services to adopt rules to standardize nursing home contracts to clarify the rights and obligations of residents. It would allow contracts to contain other provisions specifically allowed by the standardized contract. The amendment also proposed to add a fiscal note to the resolve.

Enacted law summary

Public Law 1997, chapter 329 comprises the provisions of the Committee Amendment. It requires the Department of Human Services to adopt rules to standardize nursing home contracts.

LD 998

Resolve, to Establish the Commission to Study the Certificate of Need Laws

**RESOLVE 82
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL J RUHLIN	OTP-AM	H-414 S-351 MICHAUD

LD 998 proposed to repeal the requirement that private health care providers, whether individual or group practices, be required to obtain a certificate of need.

Committee Amendment "A" (H-414) proposed to change the bill to a resolve and to create a study commission to study the State's certificate of need laws. The commission would be required to report to the Joint Standing Committee on Health and Human Services by December 1, 1997. The amendment also would add an appropriation and a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-351) proposed to specify that legislative members receive per diem and reimbursement for expenses, and to revise the appropriation section.

Enacted law summary

Resolves 1997, chapter 82 comprises the provisions of the Committee Amendment and Senate Amendment "A". It creates the Commission to Study the Certificate of Need Laws to report to the Health and Human Services Committee by December 1, 1997 with accompanying legislation. The resolve takes effect June 12, 1997.

LD 1002 An Act Directing the Department of Human Services to Submit an Annual Report on Children in Foster Care and on Adoption of Children in the Care and Custody of the Department PUBLIC 322

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERKINS	OTP-AM	H-303 H-408 MITCHELL J

LD 1002 proposed to amend the child protective laws by making available to the public the following information: the child's gender and birthdate; the relevant court docket numbers; all residential placements and their dates, including placements for evaluation and treatment; all categories and levels of reimbursement paid for care of the child; and the date and reason for disposition of all actions under the Maine Revised Statutes, Title 22, chapter 1071.

Committee Amendment "A" (H-303) proposed to replace the bill. It proposed to require an annual report to the Joint Standing Committee on Health and Human Services from the Department of Human Services about the operations of the Bureau of Child and Family Services to cover the delivery of services to children in the care and custody of the department and their families and foster families and public access to information about the child welfare system.

House Amendment "A" to Committee Amendment "A" (H-408) proposed to allocate the language in the committee amendment to the Maine Revised Statutes.

Enacted law summary

Public Law 1997, chapter 322 comprises the provisions of the Committee Amendment and House Amendment "A". It requires an annual report on children in the care and custody of the State and public access to some information about the child welfare system.