

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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Rep. Elaine Fuller

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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

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

LD 1059 proposed to create an affirmative defense to a charge of possession or cultivation of marijuana provided a licensed physician has recommended in writing use of the drug to alleviate negative medical symptoms and a number of other requirements are met including notification to law enforcement agencies. The bill would have required a minor to have the consent of a parent or legal guardian. It would have required the Attorney General to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 1, 1999 on the experience of prosecuting authorities with claims of affirmative defense. The bill would have provided professional protection to physicians who recommended the use of marijuana to their patients.

Committee Amendment "A" (S-219) proposed to replace the bill. It would have enacted an affirmative defense to the civil infraction of possession of marijuana for persons suffering from glaucoma or nausea or vomiting as a result of AIDS or chemotherapy or radiation therapy for treatment of cancer. It would have required registration with the Department of Public Safety by persons using marijuana for medical purposes. The amendment would have added a fiscal note to the bill.

See also LD 1006.

LD 1063

An Act Allowing Registered Nurses Employed by Licensed Home Health Care Agencies to Possess and Administer Certain Noncontrolled Prescription Drugs under Certain Conditions

PUBLIC 109

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON P COLWELL	OTP-AM	S-67

LD 1063 proposed to allow professional or registered nurses and advanced practice registered nurses employed by licensed home health care or hospice agencies in the course of employment to possess and administer certain preapproved noncontrolled prescription drugs according to written protocols developed by their employers through their medical advisory committees.

Committee Amendment "A" (S-67) This amendment proposed to place the new subchapter of the bill in the Maine Pharmacy Act. It would designate the Board of Commissioners of the Profession of Pharmacy to make the rules on the possession of noncontrolled prescription drugs by a professional nurse or an advanced practice registered nurse employed by a home health care provider. In the making of rules, it would require the Board of Commissioners of the Profession of Pharmacy to consult with the Board of Licensure in Medicine, the Board of Osteopathic Licensure, the State Board of Nursing, the Maine Hospice Council, the Department of Human Services and the Home Care Alliance of Maine. It would add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 109 comprises the provisions of the Committee Amendment. It amends the Maine Pharmacy Act to allow nurses employed by home health care providers to possess and administer noncontrolled prescription drugs. It requires rulemaking by the Board of Commissioners of the Profession of Pharmacy on the possession of noncontrolled prescription drugs by professional and advanced practice nurses employed by home health care providers.

LD 1066 An Act to Amend the Prehearing Settlement Process PUBLIC 218

<u>Sponsor(s)</u> JOYNER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-286
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LD 1066 proposed to permit the Department of Human Services to formalize a prehearing settlement process.

Committee Amendment "A" (H-286) proposed to substitute more standard language for the adoption of rules, change the rules from major substantive rules to routine technical rules and add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 218 comprises the provisions of the Committee Amendment. It permits the Department of Human Services to adopt rules to establish a pre-hearing settlement process for DHS administrative processes.

LD 1108 An Act Regarding Medicaid Reimbursement for Nursing Facility Care ONTP

<u>Sponsor(s)</u> JENKINS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1108 proposed to allow a nursing facility resident who is determined eligible for Medicaid and who is temporarily absent from the facility to reserve occupancy for a reasonable period of time and provide for payment to the nursing facility at the rate paid for residential care.

LD 1112 An Act to Require Mental Health Hospitals to Accept into Care Former Patients Who Refuse to Take Medication ONTP

<u>Sponsor(s)</u> BENOIT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1112 proposed to require the admission to a state mental health institute of an involuntarily committed patient who, while receiving care from a nonstate mental health facility, refuses to take medication prescribed for the treatment of the patient's mental illness.