

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

Rep. Joseph E. Brooks

Rep. Elaine Fuller

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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:

- CARRIED OVER*.....*Bill carried over to Second Regular Session*
- CON RES XXX*.....*Chapter # of Constitutional Resolution passed by both Houses*
- CONF CMTE UNABLE TO AGREE*.....*Committee of Conference unable to agree; bill died*
- DIED BETWEEN BODIES*.....*House & Senate disagree; bill died*
- DIED IN CONCURRENCE*.....*One body accepts ONTP report; the other indefinitely postpones the bill*
- DIED ON ADJOURNMENT*.....*Action incomplete when session ended; bill died*
- EMERGENCY*.....*Enacted law takes effect sooner than 90 days*
- FAILED EMERGENCY ENACTMENT/FINAL PASSAGE*.....*Emergency bill failed to get 2/3 vote*
- FAILED ENACTMENT/FINAL PASSAGE*.....*Bill failed to get majority vote*
- 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*
- OTP ND*.....*Committee report Ought To Pass In New Draft*
- OTP ND/NT*.....*Committee report Ought To Pass 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*
- 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 1776

An Act to Establish Guidelines for Putting Certain Social Service Contracts out to Bid

PUBLIC 381

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT KANE	OTP-AM	S-282

LD 1776 proposed to prohibit a performance-based contract under the Department of Mental Health, Mental Retardation and Substance Abuse Services from being put out to bid solely because of the amount or duration of the contract. The bill would have required the Department of Mental Health, Mental Retardation and Substance Abuse Services to establish guidelines, with assistance from social service agencies, as to when contracts should be sent out for rebidding.

Committee Amendment "A" (S-282) This amendment proposed to replace the original bill to bring contracts under the Office of Substance Abuse in line with mental health contracts within the Department of Mental Health, Mental Retardation and Substance Abuse Services.

Enacted law summary

Public Law 1997, chapter 381 comprises the provisions of the Committee Amendment. It provides uniformity for mental health and substance abuse contracts in the manner in which they are put out to bid and re-bid within the Department of Mental Health, Mental Retardation and Substance Abuse Services.

LD 1779

An Act Regarding Access to Medical Information

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE WATSON		

LD 1779 proposes to create the Medical Privacy Act of 1997 that establishes a right to privacy with respect to health information, including genetic information. It helps to ensure the confidentiality of computerized or electronically transferred health information and restricts the gathering of aggregate health information for financial gain or other purposes without an individual's knowledge or consent. The bill also provides individuals with access to health information of which they are the subject, and the power to challenge the accuracy and completeness of, amend or correct records containing that information.

The bill further provides that an individual's interest in the privacy of health information may not be overridden without notice and consent, except in limited circumstances, including when a person is in danger; disclosure to a health oversight agency in cases concerning fraud; protection of individuals from harm, abuse, neglect, or exploitation; public health risks; and disclosure to health researchers within certain parameters. It also provides for disclosure of health information for judicial, law enforcement and administrative purposes pursuant to requirements governing subpoenas, warrants, court orders, and in certain other cases involving legal claims. The bill establishes civil penalties and a private right of action of individuals aggrieved by conduct in violation of the act.

The bill requires that an advisory group be appointed by the department to review all proposed rules and assist the department in establishing the standards for compliance with the rules. The group is also directed to review further modifications to the Medical Privacy Act of 1997 to ensure efficient and confidential electronic exchange of protected health information and to make recommendations to bring certain existing laws into compliance.

The bill provides that the act does not preempt, supersede or modify the operation of certain existing state laws. It amends existing laws concerning the collection, use and dissemination of health information to render them consistent with the act and repeals other laws that are inconsistent. The bill was carried over to the Second Regular Session of the 118th Legislature.

See also LD 1737.

LD 1790 An Act to Control Browntail Moths

**PUBLIC 215
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL J AMERO	OTP-AM	H-469

LD 1790 proposed to allow the Director of the Bureau of Health to declare infestations of the browntail moth in populated areas a public health nuisance. Following notice to the landowners and their consent, municipalities would have been allowed to conduct aerial spraying of pesticides to control the moths, as long as the municipalities complied with the notification and consent regulations of the Board of Pesticides Control. If a landowner refused to consent to aerial spraying the landowner would have been required to remove any moth infestation on that landowner's land and pay the additional costs of removal incurred by consenting landowners or the municipality. If the additional costs were not paid following a written demand, the municipality would have been allowed a supplemental tax.

Committee Amendment "A" (H-469) proposed to limit the obligations of nonconsenting landowners for additional browntail moth control costs. It would have added a requirement that the notice to landowners identify the chemical to be sprayed for browntail moth control and a requirement of 24-hour notice of the date of spraying, subject to weather conditions. The amendment would add an emergency preamble, an emergency clause and a fiscal note to the bill. It also proposed to change the collection of costs from a supplemental tax to a service charge.

Enacted law summary

Public Law 1997, chapter 215 comprises the provisions of the bill and the Committee Amendment. It provides a procedure for municipalities to address browntail moth infestations. It requires notice to landowners and notice of the date of spraying, subject to weather conditions. It allows for the collection of costs from nonconsenting owners through a service fee. The law takes effect May 16, 1997.