

# 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**

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Sen. Susan W. Longley  
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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](http://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 &amp; 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&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>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

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.