

MAINE STATE LEGISLATURE

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STATE OF MAINE
118TH LEGISLATURE

SECOND REGULAR SESSION
AND
SECOND SPECIAL SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
HEALTH AND HUMAN SERVICES

MAY 1998

MEMBERS:

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Sen. Susan W. Longley
Sen. Betty Lou Mitchell

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**ONE HUNDRED EIGHTEENTH LEGISLATURE
SECOND REGULAR AND SECOND SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees
May 1998**

We are pleased to provide this summary of bills that were considered by the Joint Standing Committees of the Maine Legislature. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. 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 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:

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 Second Regular Session (unless otherwise specified in a particular law) is June 30, 1998 and July 9, 1998 for the Second Special Session. Second Special Session laws include Public Laws beginning with Chapter 718, Private and Special Laws beginning with Chapter 82 and Resolves beginning with Chapter 117.

for good-faith disclosure, data transmission and department access to information on those persons who have chosen not to be included in the system in order to control an outbreak of a disease preventable by immunization. It delays implementation of the immunization information system until the receipt of federal funds.

LD 2137

An Act to Address the Crisis in Access to Dental Care for Low-income Children

**PUBLIC 667
EMERGENCY**

<u>Sponsor(s)</u> MITCHELL J		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-895
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LD 2137 proposed to require the Department of Human Services to establish a toll-free telephone referral system for children's dental services under the Medicaid program. If an adequate system is not in place by January 1, 1999, the bill proposed that the department would require to take additional steps, including, but not limited to, enhanced reimbursement for dentists and contracting with dental clinics or health centers.

Committee Amendment "A" (H-895) proposed to replace the bill. It proposed to require a telephone referral service for Medicaid dental services for children and an annual report and action plan on access from the Department of Human Services. It also proposed to add a fiscal note.

Enacted law summary

Public Law 1997, chapter 667 comprises the provisions of Committee Amendment "A". It requires the Department of Human Services to establish a telephone referral service for Medicaid dental services for children and requires an annual report and action plan on dental access. The law takes effect April 2, 1998.

LD 2141

An Act to Enhance the Membership of the Maine HIV Advisory Committee

ONTP

<u>Sponsor(s)</u> WATSON PENDLETON P		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2141 proposed to increase the membership of the Maine HIV Advisory Committee from 36 to 41 members.

LD 2151

An Act to Regulate the Functioning of End-stage Renal Disease Facilities

PUBLIC 658

<u>Sponsor(s)</u> FULLER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-912
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LD 2151 proposed to require a state license for end-stage renal disease facilities including an annual survey to ensure the public health, safety and welfare of dialysis patients in the State. It proposed to allow the Medicare survey to be deemed to meet state rules, thereby avoiding duplication of the survey process.

Committee Amendment "A" (H-912) proposed to correct a typographical error in the bill and added a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 658 comprises the provisions of the bill and Committee Amendment "A". It requires a state license for end-stage renal disease facilities including an annual survey. It allows the Medicare survey to be deemed to meet state rules, thereby avoiding duplication of the survey process.

LD 2152

An Act Regarding the Medicaid Program

PUBLIC 795

<u>Sponsor(s)</u> FULLER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1090 S-734 MICHAUD
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LD 2152 proposed to enact procedures and methodologies for the Department of Human Services to enforce the medical child support requirements that were imposed by the federal Omnibus Budget Reconciliation Act of 1993.

In addition, this bill proposed to clarify the nature of the Department of Human Services' right to recoup Medicaid benefits out of personal injury awards or settlements by explicitly identifying that right as a statutory lien on the proceeds of such awards or settlements. This bill proposed to clarify that the department's lien may not be reduced to reflect any pro rata share of attorney's fees or litigation costs.

This bill also proposed to change language to recognize that, for estate recovery cases, criteria developed by the Department of Human Services would govern how a hardship waiver request would be reviewed.

Committee Amendment "A" (H-1090) proposed to retain the provisions of the bill and add 2 provisions that clarify language in the existing statutes on transitional Medicaid. It proposed to authorize the Department of Human Services to implement the provisions of the federal Balanced Budget Act of 1997 to establish a Medicaid buy-in program for persons with disabilities who work and appropriated funds for that coverage. It proposed to repeal a provision of law that requires the Department of Human Services to assess pharmacies by prescriptions filled under the Medicaid program because the department intended to charge the assessments via rulemaking in the Maine Medical Assistance Manual. The amendment also proposed to add a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-734) proposed to reduce the amount of funding provided to cover the costs associated with a Medicaid buy-in program for certain people with disabilities. It also proposed to direct the Department of Mental Health, Mental Retardation and Substance Abuse Services to develop a comprehensive statewide plan to address the need for mental health facilities as a safety net to the community-based system of services.

Enacted law summary

Public Law 1997, chapter 795 comprises the provisions of the bill, Committee Amendment "A" and Senate Amendment "A". The law enacts procedures and methodologies for the Department of Human Services to enforce the medical child support requirements that were imposed by the federal Omnibus Budget Reconciliation Act of 1993. It clarifies the nature of the Department of Human Services' right to recoup Medicaid benefits out of personal injury awards or settlements by explicitly identifying that right as a statutory lien on the proceeds of such