

# 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

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*Sen. Susan W. Longley*  
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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](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:

*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.

4. Requires the Department of Mental Health, Mental Retardation and Substance Abuse Services to undertake a public information and education program; and

5. Requires the Department of Mental Health, Mental Retardation and Substance Abuse Services to take steps to encourage fair compensation for direct services staff employed by community providers and directs the department to request supplemental funding for cost-based reimbursement or a cost-of-living increase during the 2000-2001 biennium.

Regarding funding for mental retardation services, see PL 1997, chapter 643, Part A-1.

**LD 2177**

**An Act to Require Alternate Sources of Power for Elderly Housing**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNE FERGUSON	ONTP	

LD 2177 proposed to require the Commissioner of Human Services to adopt rules to require congregate housing facilities for older persons to have generators available for emergency use to provide heat to the facilities.

**LD 2207**

**Resolve, Establishing the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services**

**RESOLVE 120**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DONNELLY	OTP-AM MAJ OTP-AM MIN	H-936 S-737 MICHAUD

LD 2207 proposed to create the Office of Mental Health and Human Services Ombudsman, an autonomous agency designed to represent the best interests of individuals involved in the State's mental health and human services systems and to provide independent clinical oversight over cases in the State's mental health and human services systems.

**Committee Amendment "A" (H-935)** (Majority Report) proposed to establish the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services. It proposed to charge the task force with studying other ombudsman programs and options for the departments and require a report and legislation by December 15, 1998.

**Committee Amendment "B" (H-936)** (Minority Report) proposed to establish the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services. It proposed to charge the task force with studying other ombudsman programs and options for the departments and require a report and legislation by December 15, 1998. It also proposed to add 2 positions in the Office of Advocacy within the Department of Mental Health, Mental Retardation and Substance Abuse Services.

**Senate Amendment "A" to Committee Amendment "B" (S-737)** proposed to eliminate the appropriation for 2 advocate positions for the Department of Mental Health, Mental Retardation and Substance Abuse Services. The amendment also proposed to change the makeup of the task force. Instead of one member from the Joint Standing Committee on Health and Human Services, there would be 2 members. The member from a statewide organization representing women is proposed to be eliminated.

***Enacted law summary***

Resolve 1997, chapter 120 comprises the provisions of the resolve, Committee Amendment "B" and Senate Amendment "A" to Committee Amendment "B". It establishes the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services. It charges the task force with studying other ombudsman programs and options for the departments. It requires a report and legislation by December 15, 1998.

**LD 2218                      An Act to Implement the Recommendations of the Task Force On                      INDEF PP**  
**Improving Access to Prescription Drugs for the Elderly**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u>
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LD 2218 contains the legislative recommendations of the Task Force on Improving Access to Prescription Drugs for the Elderly, established by Public Law 1997, chapter 560, Part E.

This bill proposed to require the Department of Human Services to provide educational materials on the elderly low-cost drug program to be distributed by the Bureau of Revenue Services when sending out the program's drug cards to eligible residents. Other materials would have been made available to pharmacies to post or to include with customers' prescription drug purchases.

This bill proposed to expand the elderly low-cost drug program to cover those who meet the age and disability requirements and whose income is less than or equal to 185% of the federal poverty level. The current income limitation is approximately 131% of the federal poverty level.

This bill proposed to direct the Department of Human Services to seek a Medicaid waiver from the federal Health Care Financing Administration to provide Medicaid prescription drug benefits for persons 62 years of age and over whose income is less than or equal to 185% of the federal poverty level.

**Committee Amendment " A " (H-1074)** proposed to replace the bill. It proposed to provide the Department of Human Services with a \$2,000,000 appropriation to include additional medications to be determined by the department to the elderly low-cost drug program. It proposed to direct the department to pursue a Medicaid waiver to provide Medicaid prescription drug benefits.

See supplemental budget, Public Law 1997, chapter 643, Part RR.