

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

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:*

*Sen. Judy Paradis, Chair*  
*Sen. Susan W. Longley*  
*Sen. Betty Lou Mitchell*

*Rep. J. Elizabeth Mitchell, Chair*  
*Rep. Joseph E. Brooks*  
*Rep. Elaine Fuller*  
*Rep. Thomas J. Kane*  
*Rep. Wendy Pieh*  
*Rep. Michael W. Quint*  
*Rep. Glenys P. Lovett*  
*Rep. Jeffery G. Joyner*  
*Rep. Tarren R. Bragdon*  
*Rep. Lois A. Snowe-Mello*

*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**  
**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.

LD 2279 proposed to provide for legislative review of Section 71.05: Application Process; Certificate of Need for Nursing Facility Level of Care (Policy Manual), a major substantive rule of the Department of Human Services, Bureau of Elder and Adult Services.

**Committee Amendment "A" (H-1080)** proposed to strike the original title of the resolve and replace it with one that specifies the portion of Section 71.05 of the Bureau of Elder and Adult Services Policy Manual reviewed by the Legislature. This amendment proposed to authorize final adoption of Section 71.05(F)(11)-(13) in the Bureau of Elder and Adult Services Policy Manual as long as the Department of Human Services changes a reference in Section 71.05(F)(13) subsection (b) prior to the final adoption of the rule. The reference in this section to Section 71.05(D)(6) subsection (a) would have to be changed to Section 71.05(H)(1) subsection (b) to reflect the intent of the statutory authority.

***Enacted law summary***

Resolve 1997, chapter 110 comprises the provisions of the resolve and Committee Amendment "A". This resolve provides for legislative review of Section 7105: Application Process; Certificate of Need for Nursing Facility Level of Care (Policy Manual), a major substantive rule of the Department of Human Services, Bureau of Elder and Adult Services. The new title specifies the portion of Section 71.05 of the Bureau of Elder and Adult Services Policy Manual reviewed by the Legislature. It authorizes final adoption of Section 71.05(F)(11)-(13) in the Bureau of Elder and Adult Services Policy Manual as long as the Department of Human Services changes a reference in Section 71.05(F)(13) subsection (b) prior to the final adoption of the rule. The reference in this section to Section 71.05(D)(6) subsection (a) must be changed to Section 71.05(H)(1) subsection (b) to reflect the intent of the statutory authority. The resolve takes effect April 2, 1998.

**LD 2281**

**Resolve, Regarding Legislative Review of Chapter 32: Rules for the Licensing of Children's Day Care Facilities and Chapter 33: Rules for Home Day Care Providers, Major Substantive Rules of the Department of Human Services, Auditing, Contracting and Licensing Service Center**

**RESOLVE 112  
EMERGENCY**

Sponsor(s)

Committee Report  
OTP-AM

Amendments Adopted  
H-1084

LD 2281 proposed to provide for legislative review of Chapter 32: Rules for the Licensing of Children's Day Care Facilities and Chapter 33: Rules for Home Day Care Providers, a major substantive rule of the Department of Human Services, Auditing, Contracting and Licensing Service Center.

**Committee Amendment "A" (H-1084)** proposed to authorize final adoption of Chapter 32: Rules for the Licensing of Children's Day Care Facilities and Chapter 33: Rules for Home Day Care Providers as long as the Department of Human Services amends Chapter 33 prior to its final adoption. The amendment proposed that the rule be amended to include a provision that allows children not to be immunized for religious or medical reasons. In the event of a disease outbreak, these children would be excluded from the home day care until the outbreak no longer exists or until they receive the necessary immunization.

***Enacted law summary***

Resolve 1997, chapter 112 comprises the provisions of the resolve and Committee Amendment “A”. The resolve provides for legislative review of Chapter 32: Rules for the Licensing of Children's Day Care Facilities and Chapter 33: Rules for Home Day Care Providers, a major substantive rule of the Department of Human Services, Auditing, Contracting and Licensing Service Center and authorizes final adoption as long as the Department of Human Services amends Chapter 33 prior to its final adoption. The rule must be amended to include a provision that allows children not to be immunized for religious or medical reasons. In the event of a disease outbreak, these children must be excluded from the home day care until the outbreak no longer exists or until they receive the necessary immunization. The resolve takes effect April 3, 1998.

**LD 2283**                      **An Act to Implement the Recommendations of the Interagency Task Force on Homelessness and Housing Opportunities**                      **P & S 86**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
				S-746 MICHAUD

LD 2283 proposed to implement the recommendations of the Interagency Task Force on Homelessness and Housing Opportunities. The bill proposed to require homeless shelter operators, mental health providers, substance abuse services providers, and Department of Mental Health, Mental Retardation and Substance Abuse Services regional housing coordinators to prepare plans to ensure that persons with mental illness or substance abuse problems or both who are in homeless shelters are provided with services for mental health and substance abuse problems. The bill proposed to direct the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Maine State Housing Authority proposed to provide training for mental health, substance abuse services, and homeless shelter providers. The bill proposed to increase funding for the shelter operating subsidy fund in the Housing Opportunities for Maine Fund by \$2,500,000 per year.

**Senate Amendment "A" (S-746)** proposed to replace the bill. It proposed to provide \$100,000 for the Maine State Housing Authority's shelter operating subsidy.

***Enacted law summary***

Private and Special Law 1997, chapter 86 comprises the provisions of the bill and Senate Amendment “A”. It appropriates \$100,000 in additional funding for the Maine State Housing Authority’s shelter operating subsidy.

**LD 2295**                      **An Act to Improve the Delivery of Mental Health Services to Children**                      **PUBLIC 790 EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
				S-748 MICHAUD

LD 2295 proposed to establish the Children's Mental Health Program, a program operated under the responsibility of the Department of Mental Health, Mental Retardation and Substance Abuse Services, in coordination with the Department of Corrections, the Department of Education and the Department of Human Services, to provide mental health services to children in Maine. The bill proposed to require a study of autism, developmental disabilities and mental retardation services conducted under the direction of the Department of Mental Health, Mental Retardation