

# 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  
119TH LEGISLATURE**

**FIRST REGULAR SESSION**

**BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
HEALTH AND HUMAN SERVICES**

**JULY 1999**

**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*

**MEMBERS:**

*Sen. Judy Paradis, Chair  
Sen. Georgette B. Berube  
Sen. Betty Lou Mitchell*

*Rep. Thomas J. Kane, Chair  
Rep. Joseph E. Brooks  
Rep. Elaine Fuller  
Rep. Michael W. Quint  
Rep. Edward R. Dugay  
Rep. Daniel B. Williams  
Rep. Glenys P. Lovett  
Rep. Tarren R. Bragdon  
Rep. Lois A. Snowe-Mello  
Rep. Thomas F. Shields*



**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 NINETEENTH LEGISLATURE**  
**FIRST REGULAR SESSION**

**Summary Of Legislation Before The Joint Standing and Select Committees**  
**August 1999**

We are pleased to provide this summary of all bills that were considered by the Joint Standing and Select Committees of the Maine Legislature this past session. 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 and select committees.

The document is organized for convenient reference to information on bills considered by the 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:

*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*  
*ENACTMENT FAILED*..... *Bill failed to get vote required for enactment or final passage*  
*NOT PROPERLY BEFORE THE BODY*..... *Ruled out of order by the presiding officers; bill died*  
*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 September 18, 1999.

**LD 1372**

**An Act to Give a Caretaker the Same Temporary Assistance for Needy Families as a Custodial Parent**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MENDROS DOUGLASS	ONTP	

LD 1372 proposed to require the Department of Human Services to allow an individual caretaker who is not the parent of a child and is eligible for TANF benefits for assuming responsibility for a child to receive the same amount of assistance as the department would provide a custodial parent. The bill proposed to define the term “caretaker” as an individual that has or assumes responsibility for the care of a child.

**LD 1378**

**An Act to Ensure Access to Long-term Care Services for Persons with Dementia**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER PARADIS		

LD 1378 proposes to require the Department of Human Services to include in its medical eligibility assessment criteria a certain definition of the term "problem behavior" in order to ensure access to appropriate long-term care services for persons with dementia.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

**LD 1393**

**An Act Concerning Due Process Regarding Certified Nursing Assistants**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL J CATHCART	ONTP	

LD 1393 proposed to require the Department of Human Services to adopt rules providing certain due process rights to a certified nursing assistant who is confronted with specific documented findings of abuse, neglect or misappropriation of property under the Maine Revised Statutes, Title 22, section 1812-G. The Department of Human Services would have been required to:

1. Clarify the definition of abuse;
2. Prove noncriminal abuse by clear and convincing evidence;
3. Provide a right to representation;
4. Inform a certified nursing assistant of a right to representation before any questioning relating to an investigation;

5. Establish a right to independent binding arbitration for a certified nursing assistant confronting charges under Title 22, section 1812-G; and
6. Establish a certified nursing assistant's right to discover the specific charges, documents and witnesses relating to a proceeding under Title 22, section 1812-G.

**LD 1401**

**An Act to Amend the Maine Health Data Organization Statutes**

**PUBLIC 353  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER MITCHELL B	OTP-AM	H-483

LD 1401 proposed to make a number of technical corrections to the Maine Health Data Organization law and repeal language that is outdated. In addition, this bill proposed to increase the forfeiture level for noncompliant data providers that are not health care facilities, provide the Maine Health Data Organization with compliance monitoring authority, modify the funding provisions and allow specific financial information to be designated confidential.

This bill was submitted on behalf of the Maine Health Data Organization.

**Committee Amendment "A" (H-483)** proposed to change the membership of the Board of Directors of the Maine Health Data Organization by removing a dentist and including a representative of a federally qualified health center or rural health clinic. The amendment also proposed to allow the organization to undertake data collection, processing and storage procedures only on a limited basis. The amendment proposed to exempt a person from collection of data when there is an objection based on a sincerely held religious belief. The amendment proposed to remove a technical error printed in the original bill relating to routine technical rules. An exclusion clause in the penalty provisions for providers and facilities was proposed to be included for circumstances beyond a provider's or facility's control. The amendment proposed to change the ceiling on assessments charged to support the activities of the organization. The assessment of \$760,000 for fiscal year 1999-00 was proposed to increase by 5% each fiscal year.

***Enacted law summary***

Public Law 1999, chapter 353 makes a number of technical corrections to the Maine Health Data Organization law and repeals language that is outdated. It increases the forfeiture level for noncompliant data providers that are not health care facilities, provides the Maine Health Data Organization with compliance monitoring authority, and allows specific financial information to be designated confidential. It changes the membership of the Board of Directors of the Maine Health Data Organization by removing a dentist and including a representative of a federally qualified health center or rural health clinic. It allows the organization to undertake data collection, processing and storage procedures only on a limited basis and exempts a person from collection data when there is an objection based on a sincerely held religious belief. An exclusion clause in the penalty provisions for providers and facilities is included for circumstances beyond a provider's or facility's control. The law changes the ceiling on assessments charged to support the activities of the organization. The assessment of \$760,000 for fiscal year 1999-00 is allowed to increase by 5% each fiscal year.