

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
119TH LEGISLATURE**

**FIRST REGULAR SESSION**

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

**JULY 1999**

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**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.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PEAVEY	OTP-AM MAJ ONTP MIN	H-370

LD 1582 proposed to prohibit self-service sales, self-service displays, racks and shelves of tobacco products in environments where minors are allowed and to prohibit the location of vendor-assisted counter displays on any counter where a sale takes place.

**Committee Amendment "A" (H-370)** proposed to require tobacco to be displayed or offered for sale only in a manner that does not allow the purchaser direct access to the tobacco products. It proposed to exempt tobacco specialty stores and locations in which the presence of minors is generally prohibited. It proposed to state that the provision does not preempt a municipal ordinance that provides for more restrictive regulation of the sale of tobacco products.

#### *Enacted law summary*

Public Law 1999, chapter 314 requires tobacco to be displayed or offered for sale only in a manner that does not allow the purchaser direct access to the tobacco products. Except as otherwise allowed by law, it exempts tobacco specialty stores and locations in which the presence of minors is generally prohibited. It states that a municipal ordinance that provides for more restrictive regulation of the sale of tobacco products is not preempted by this provision of law.

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

LD 1585 proposed to prohibit the display of tobacco products and promotional displays of tobacco products within businesses and self-service merchandising of tobacco products. See LD 1582.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	OTP-AM	S-221

LD 1598 proposed to clarify that the annual assessment placed on hospitals under the Hospital Cooperation Act of 1992 is \$200,000. The bill also proposed to repeal a provision requiring that the amount of the assessment is based on each hospital's gross patient service revenue.

**Committee Amendment "A" (S-221)** proposed to replace the bill. It proposed to remove repeal of the provision that the amount of the assessment is based on each hospital's gross patient service revenue and retain

the provision limiting the assessment to \$200,000 per fiscal year. The amendment proposed to apply these provisions retroactively to July 1, 1998.

***Enacted law summary***

Public Law 1999, chapter 306 limits the annual assessment placed on hospitals under the Hospital Cooperation Act of 1992 to \$200,000 per fiscal year and applies this provision retroactively to July 1, 1998. It repeals an outdated provision allocating funds for previous fiscal years.

**LD 1613                      An Act to Provide a Definition of Cigarette for Retail Purposes                      ONTP**

<u>Sponsor(s)</u> MILLS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1613 proposed to amend the retail tobacco sales law to add a definition of cigarette.

**LD 1623                      An Act to Provide Services for Children in Need of Supervision                      CARRIED OVER**

<u>Sponsor(s)</u> BRENNAN		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1623 proposes to establish the Children in Need of Services Program. The program is to provide for a safety plan consisting of housing, medical care, nutritional care and education for children 15 years of age and under who have been determined to be in need of supervision. See also LD 1825.

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

**LD 1651                      An Act to Ensure that Tobacco Settlement Funds Are Used for Health Purposes                      ONTP**

<u>Sponsor(s)</u> GERRY		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1651 proposed to create the Tobacco Settlement Dedicated Fund to receive revenue from the settlement of litigation between the State and the tobacco manufacturers. The fund would be used for payment of health care costs for persons who use tobacco products; smoking cessation public education, seminars, treatment clinics and costs; expansion of the elderly low-cost drug program under the Maine Revised Statutes, Title 22, section 254 to cover health care expenses for smoking-related illness and disease; and health care coverage for persons who are unable to afford coverage. Expenditures from the fund would be limited to 3/4 of the annual revenue unless approved by a vote of 3/4 of the members of the Senate and the House. See also Public Law 1999, chapter 401, parts U & V.