

# 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.

free distribution of tobacco products to minors by any person whether that person is acting in the course of business or not. The bill proposes to prohibit self-service displays of tobacco products unless in a business establishment where the primary business is the retail sale of tobacco products. The bill also proposed to prohibit the producers of tobacco products from offering incentives as a reward for increasing sales of tobacco products. The penalty for a violation of these prohibitions would be the same as for violations of other tobacco product sales prohibitions, such as sales to minors and sales through vending machines in unlawful ways. See LD 1582, Public Law 1999, chapter 314 prohibiting self-service tobacco displays.

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

**LD 2128                      An Act to Amend the Laws Governing the Licensure of Dental Hygienists                      CARRIED OVER**

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

LD 2128 proposes to amend the laws governing the licensure of dental hygienists in the following ways.

1. It proposes to add 3 members to the Board of Dental Examiners, 2 additional dental hygienists and one additional representative of the public.
2. It proposes to set standards for the licensure of dental hygienists by the Board of Dental Examiners.
3. It proposes to increase the number of hours of continuing education that a dental hygienist must successfully complete as a condition of renewal of a license to practice.

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

**LD 2150                      An Act to Ensure Community-based Services for Persons With Mental Retardation or Autism                      CARRIED OVER**

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

LD 2150 proposes to incorporate into statute portions of the 1994 Community Consent Decree for the provision of services to persons with mental retardation or autism. Before the decree may be terminated by the United States District Court, the decree requires that the State establish mechanisms to ensure future compliance with its terms.

This bill proposes to establish a policy of providing education, training and support services and programs to persons with mental retardation or autism and establish a committee to study whether to identify the population eligible for services and programs within the scope of the Maine Revised Statutes, Title 34-B, chapter 4 as persons with developmental disabilities, or whether to continue to identify the population as persons with mental retardation or autism.

The bill proposes to continue the current practice of person-centered planning as a means for identifying and articulating the needs of clients for services and programs and to require that the Department of Mental Health, Mental Retardation and Substance Abuse Services maintain the ratio of caseworkers to clients required by the decree and to maintain the current system of crisis and respite services.

The bill proposes to provide mechanisms to promote the level of programs and services specified by the decree and to require that the department provide a system for speedy resolution of grievances and appeals in cases where needs go unmet. It proposes to require that the department maintain accurate records about needs for services, conduct public hearings and summarize and report the status of the system to the Legislature as well as plan to correct identified deficiencies. The bill proposes to continue the Consumer Advisory Board as an independent oversight body with reporting responsibilities and to require the department to develop a quality assurance plan. The bill proposes to modernize the statutes to conform with current practice and terminology.

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

**LD 2167                      An Act to Ensure the Availability of Funds for Tobacco Prevention and Control                      ONTP**

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

LD 2167 proposed to establish the Tobacco Prevention and Control Fund and the Health Care Fund for Maine Citizens. The bill proposed to continue the commitment of tobacco tax revenues for the prevention and control of tobacco usage prevention and control and provide that settlement funds received from legal actions by the State against tobacco companies be divided equally between the Tobacco Prevention and Control Fund and the Health Care Fund for Maine Citizens. See also Public Law 1999, chapter 401, Parts U & V.

**LD 2169                      An Act to Establish the Trust Fund for a Healthy Maine                      ONTP**

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

LD 2169 proposed to establish the Trust Fund for a Healthy Maine, which would have as its primary source of revenue money received by the State in settlement or in relation to the lawsuit State of Maine v. Philip Morris, et al., Kennebec County Superior Court, Docket No. CV-97-134.

Money from the fund would be allocated by the Legislature for smoking cessation and education, children's early care and education, health insurance, substance abuse prevention and treatment with particular emphasis on meeting the needs of children in those areas. Allocations would also be made for low-cost prescription drugs for the elderly.

The bill proposed to require the Treasurer of State to invest money in the fund that is not allocated and to develop a long-term strategy for those investments to maximize return and minimize risk. The Treasurer of State would make annual reports on the investment plan to the Joint Standing Committee on Appropriations and