

MAINE STATE LEGISLATURE

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*State Of Maine
120th Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Health and Human Services*

August 2001

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120th Legislature
First Regular Session

Summary Of Legislation Before The Joint Standing Committees
August 2001

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 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).

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*
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*
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 21, 2001**.

David E. Boulter, Director
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Joint Standing Committee on Health and Human Services

LD 6	Resolve, Regarding Legislative Review of Chapter (unassigned): Rules Providing for the Licensing of Child Placing Agencies With and Without Adoption Programs, Addition of Home Certification Process, a Major Substantive Rule of the Department of Human Services, Community Services Center	RESOLVE 5 EMERGENCY
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<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-40
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LD 6 proposed to provide for legislative review of Chapter (unassigned): Rules Providing for the Licensing of Child Placing Agencies With and Without Adoption Programs, Addition of Home Certification Process, a major substantive rule of the Department of Human Services, Community Services Center.

Committee Amendment "A" (H-40) proposed to amend the resolve by adding a requirement that a decision to grant or deny an application for certification as a preadoptive home must be made within 30 days of the completion of an application. An additional 30-day time period would be allowed for the best interests of the child. The amendment also proposed to add a fiscal note.

Enacted law summary

Resolve 2001, chapter 5 provides for legislative review of Chapter (unassigned): Rules Providing for the Licensing of Child Placing Agencies With and Without Adoption Programs, Addition of Home Certification Process, a major substantive rule of the Department of Human Services, Community Services Center.

The resolve adds a requirement that a decision to grant or deny an application for certification as a preadoptive home must be made within 30 days of the completion of an application. It allows an additional 30-day time period for the best interests of the child.

Resolve 2001, chapter 5 was passed as an emergency measure effective April 11, 2001.

LD 14	An Act to Prohibit the Use of Juveniles in the Enforcement of Laws Governing Tobacco Sales	DIED BETWEEN BODIES
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<u>Sponsor(s)</u> WATERHOUSE MCALEVEY	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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LD 14 proposed to preclude the State from using juveniles in any tobacco enforcement action. It proposed to direct the Commissioner of Human Services; the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services; the Commissioner of Public Safety; and the Attorney General to jointly develop and implement alternative tobacco enforcement strategies, exclusive of using juveniles for enforcement actions.

Joint Standing Committee on Health and Human Services

Committee Amendment "A" (H-456) is the minority report of the Joint Standing Committee on Health and Human Services. It proposed to add a fiscal note to the bill.

LD 23 **An Act to Raise the Minimum Age to Buy Tobacco Products to 21 Years of Age** **ONTP**

<u>Sponsor(s)</u> TRAHAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 23 proposed to raise the minimum age to purchase tobacco and tobacco products from 18 years of age to 21 years of age.

LD 27 **An Act to Implement the Recommendations of the Commission on Child Abuse** **PUBLIC 11**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 27 proposed to repeal the provision of law that sets forth the powers of the board of directors of the Maine Children's Trust Incorporated and enact in its stead a provision that clarifies which of the functions are powers and which are duties. In addition, the bill proposed to assign to the trust the following:

1. A permanent duty to develop plans with the child abuse and neglect councils to provide a stable base of funding for the councils at levels at least as high as the levels in the fiscal years 1999-00 and 2000-01 biennial budget; and
2. A one-time duty to develop a proposal along with the Department of Human Services, the child abuse and neglect councils, the Maine Association of Child Abuse and Neglect Councils and statewide organizations working to prevent child abuse and neglect to channel funding that is destined to the child abuse and neglect councils through the trust in order to maximize federal funding and qualify for matching funds in as high amounts as possible. The bill proposed to require the Maine Children's Trust Incorporated to submit a report to the Second Regular Session of the 120th Legislature by January 15, 2002 on the proposal to maximize federal funding and to qualify for matching funds

The bill proposed to clarify the authority of the Department of Human Services, in the Child and Family Services and Child Protection Act, to take appropriate action, consistent with existing funding, to prevent child abuse and neglect.

Enacted law summary

Public Law 2001, chapter 11 repeals the provision of law that sets forth the powers of the board of directors of the Maine Children's Trust Incorporated and enacts in its stead a provision that clarifies which of the functions are powers and which are duties. In addition, chapter 11 assigns to the trust the following: