

# 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](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*  
*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*  
Offices Located in the State House, Rooms 101/107/135

## 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:

## Joint Standing Committee on Health and Human Services

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. Chapter 11 requires 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.

Chapter 11 clarifies 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.

**LD 34**

### **An Act to Increase the Eligibility for the Elderly Low-cost Drug Program**

**ONTP**

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

LD 34 proposed to increase eligibility for the Elderly Low-Cost Drug program by increasing the income level from 185% to 225% of the nonfarm income official poverty level. The bill proposed to increase the monetary level, in 2000 figures, from \$20,820 to \$25,326 for a family of 2 persons. This bill also proposed to increase eligibility by decreasing from 40% of income to 30% of income the amount of high medical expenses that increases the income eligibility level by 25%. See LD 50.

**LD 35**

### **An Act Regarding the Rights of Parents and Other Family Members of Adults with Mental Retardation**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY O'BRIEN J	ONTP	

LD 35 proposed to provide for the disclosure of information regarding an adult with mental retardation who was a client of the Department of Mental Health, Mental Retardation and Substance Abuse Services to the client's family when requested by the family member for the purposes of prescriptive program planning or service planning under the Maine Revised Statutes, Title 34-B, chapter 5, consideration of services or programs for the client, requests for services or programs or reviews, grievances or appeals concerning services or programs.