

# 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*  
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## Joint Standing Committee on Health and Human Services

### *Enacted law summary*

Resolve 2001, chapter 54 requires the Department of Human Services to amend the rules regarding medical eligibility assessments under the Medicaid program and state long-term care programs in order to ensure that the assessments are comprehensive and accurate. The rules must provide that in completing the assessment the nurse assessor exercises professional judgment and considers documentation, observation and interviews with the consumer, family members, direct care staff, the consumer's physician and other individuals as determined to be appropriate. Rules adopted pursuant to this resolve are major substantive rules.

**LD 173**                      **Resolve, Directing the Department of Human Services to Amend the Rules Regarding Congregate Housing**                      **ONTP**

<u>Sponsor(s)</u> KANE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 173 proposed to direct the Department of Human Services to review and amend the rules regarding congregate housing to ensure compliance with Public Law 1999, chapter 731, Part BBBB. Particular attention would have been given to health, frailty, need or acuity level, performance standards and the use and impact of consumer satisfaction surveys. By October 15, 2001, the department would have been required to report to the Joint Standing Committee on Health and Human Services on the congregate housing rules and any action that had been taken with regard to the rules.

See also LD 853.

**LD 177**                      **An Act Regarding Child Abuse and Neglect Investigation**                      **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u> FULLER MITCHELL B		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-380
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LD 177 proposed to do the following:

1. Add children's services programs and providers of services funded in whole or in part by the Department of Human Services, Department of Education, Department of Corrections and Department of Mental Health, Mental Retardation and Substance Abuse Services to the settings in which the out-of-home abuse and neglect investigating team may investigate reports of suspected abuse and neglect of children. If one of these departments were involved and did undertake an investigation, the bill would have required the team to investigate the report;
2. Correct a cross-reference regarding confidentiality of information regarding investigations conducted by the Disability Rights Center under the Maine Revised Statutes, Title 5, chapter 511; and

## Joint Standing Committee on Health and Human Services

3. Add programs, services and persons administered, licensed or funded by the Department of Mental Health, Mental Retardation and Substance Abuse Services to the law providing access to records for the Office of Advocacy within the Department of Mental Health, Mental Retardation and Substance Abuse Services.

**Committee Amendment "A" (H-380)** proposed to replace the bill. It proposed to clarify that the authority of the out-of-home abuse and neglect investigating team would be expanded to the provision of services under the rules adopted by the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services. The amendment proposed to remove a section dealing with confidentiality of records and add an appropriation section and a fiscal note to the bill.

**LD 183**                      **Resolve, to Increase Medicaid Reimbursement for Certain Providers**                      **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE PENDLETON	OTP-AM    MAJ ONTP      MIN	H-659 H-679    FULLER

LD 183 proposed to require the Department of Human Services to adopt rules to take effect on January 1, 2003 to increase the amount of reimbursement under the Medicaid program for occupational and physical therapy, speech and language pathologist and audiologist services to 70% of the usual and customary charge.

**Committee Amendment "A" (H-659)** proposed to replace the resolve. It proposed to require the Department of Human Services to raise reimbursement rates under the Medicaid program to 70% of the usual and customary charges, as determined by the department, for the providers and services reimbursed below 70% as of January 1, 2001. It proposed to add appropriation and allocation sections and a fiscal note to the resolve.

**House Amendment "A" to Committee Amendment "A" (H-679)** proposed to require the Department of Human Services to adopt rules to take effect on January 1, 2002 to increase the amount of reimbursement under the Medicaid program for occupational and physical therapy and speech and language pathologist and audiologist services to 60% of the usual and customary charge.

See Public Law 2001, chapter 439, Part LL, enacting an increase for occupational therapy and physical therapy to 50% of usual and customary rates.

**LD 187**                      **An Act to Provide Relief from Excessive Drug Costs for Maine Residents**                      **ONTP**

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