

# 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

### *Enacted law summary*

Public Law 2001, chapter 25 amends the laws governing the Maine Developmental Disabilities Council to specify that if the position of director of the council becomes vacant the council recruits and hires a director and that the council supervises and annually evaluates the director.

**LD 330**                      **Resolve, to Study the Placement of a Drug Rehabilitation Facility in Washington County**                      **ONTP**

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

LD 330, a concept draft pursuant to Joint Rule 208, proposed to establish a special task force to study the placement of a drug rehabilitation facility in Washington County.

**LD 371**                      **An Act to Encourage Smoke-free Hospitals in Maine**                      **PUBLIC 59**

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

LD 371 proposed to eliminate the requirement that hospitals and state mental health institutes provide a smoking area. The bill proposed to give these facilities the discretion to provide a designated smoking area for patient use.

### *Enacted law summary*

Public Law 2001, chapter 59 prohibits smoking in hospitals and state mental health institutes except in a designated smoking area. It gives these facilities the discretion to provide a designated smoking area for patient use.

**LD 383**                      **An Act to Limit Smoking by Foster Parents**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOUCHER GAGNON	ONTP      MAJ OTP-AM    MIN	

LD 383 proposed to prohibit smoking in foster homes and prohibit foster parents from smoking in their private vehicles.

## Joint Standing Committee on Health and Human Services

**Committee Amendment "A" (H-47)**, the majority report of the committee, proposed to add an effective date of July 1, 2002 and clarify that the car of the foster parent in which smoking was prohibited was the car in which the foster child was transported. The amendment also proposed to remove the emergency preamble and emergency clause and add a fiscal note.

**Committee Amendment "B" (H-444)**, the minority report of the committee, proposed to add an effective date of July 1, 2002 and clarify that the car of the foster parent in which smoking was prohibited was the car in which the foster child was transported. The amendment also proposed to remove the emergency preamble and emergency clause and to add a fiscal note.

This bill was re-referred to committee and reconsidered. Upon reconsideration the committee voted Ought Not to Pass, so neither amendment was presented to the House and Senate.

**LD 393**                      **Resolve, to Change Medicaid Reimbursement for Nursing Facilities**                      **DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN PARADIS	OTP-AM	S-160

LD 393 proposed to require the Department of Human Services to amend the principles of reimbursement under the Medicaid program for nursing facilities to enable nonprofit nursing facilities to receive 1/2 of the profit rate applicable to for-profit nursing facilities. The rules, which would be routine technical rules, would have to be implemented by January 1, 2002.

**Committee Amendment "A" (S-160)** proposed to replace the language of the resolve. It proposed to specify the manner of calculation of rate of return for nonprofit nursing facilities beginning July 1, 2002. It also proposed to amend the resolve by adding an appropriation that is contingent on approval of Medicaid funding at the federal level, an appropriation section, an allocation section and a fiscal note to the bill.

See Public Law 2001, chapter 439, Part DDD, enacting ¼ the profit rate for nonprofit nursing facilities.

**LD 418**                      **An Act to Promote Efficiency in the Provision of Administrative Services for Child Care Providers**                      **DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO LONGLEY	OTP-AM	H-148

LD 418 proposed to provide one-time funding of \$90,000 for a pilot project to divide the State into 3 regions and to award incentive grants to encourage partnerships among a minimum of 3 child care providers to promote efficiency in the provision of administrative services such as filing reports, allocation of subsidized child care slots, payroll and insurance.