

# 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

6. The center would be required to keep records of patients' usage from the center in order to monitor compliance with statutory limits.
7. The center would be required to report to the Legislature within 18 months of commencement of operation. The report could also contain suggestions for additional legislation to meet needs of patients. The Legislature could then take additional action, including the authorization of additional sites with the State.
8. A person qualified under the Maine Medical Marijuana Act of 1998 who possessed appropriate documentation under the current law of that person's qualification at the time of a stop or encounter with law enforcement would not be subject to seizure of a lawful amount of marijuana or the equipment necessary to maintain, grow or consume medical marijuana.

**LD 619**

**Resolve, to Provide Adequate Patient Care Staffing for Certain Home Care Programs**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u> KANE PENDLETON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-632
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LD 619 proposed to require contracts for home care services entered into by the Department of Human Services for the home-based care program, the Medicaid waiver program and private duty nursing and personal care services programs to contain provisions to include funding for adequate pay and employment benefits for staff providing patient care and audit mechanisms to ensure that the funding is used for those purposes. These provisions would have to be implemented beginning January 1, 2002.

**Committee Amendment "A" (H-632)** proposed to delete from the resolve reference to employment benefits. It proposed to provide for a pay increase of \$1 per hour for direct care workers in the Medicaid waiver program, the private duty nursing and personal care services programs and the home-based care program beginning January 1, 2002. It proposed to add an appropriation section, an allocation section and a fiscal note to the resolve.

**LD 633**

**An Act to Require Reporting on Children's Crisis Services**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u> KANE PENDLETON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-646 H-655 O'BRIEN J
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LD 633 proposed to require the Department of Mental Health, Mental Retardation and Substance Abuse Services to coordinate with the Department of Human Services to provide cost-based residential and community-based services to all children who qualify for those services through the Children's Mental Health Program.

**Committee Amendment "A" (H-646)** proposed to replace the bill. It proposed to provide a new title. It proposed to require monthly reports by the Department of Mental Health, Mental Retardation and Substance Abuse Services

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

to the Children's Mental Health Oversight Committee and the joint standing committee of the Legislature having jurisdiction over health and human services matters on children's crisis services. The amendment proposed to require the accomplishment of this work within the department's existing resources.

The amendment also proposed to add a fiscal note to the bill.

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**House Amendment "A" to Committee Amendment "A" (H-655)** proposed to add an emergency preamble and clause to the bill to provide for an immediate effective date.

See Public Law 2001, chapter 439, Part KKK, the Part II budget.

**LD 640**

**Resolve, to Ensure Consumer Access to Home Care Services**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE PENDLETON	OTP-AM	H-621

LD 640 proposed to require the Department of Human Services to review and amend the rules of the Medicaid and state-funded long-term care programs regarding the right to appeal, the computation of time periods, the date of receipt of notices, appeal requests, the definition of "significant change," significant change assessments and the homebound requirement. Other issues covered by these rule changes would be the informal conference in home care programs, a report on labor force initiatives, unscheduled reassessments and barriers to eligibility and services. All rules adopted pursuant to this bill would be major substantive rules, requiring legislative review.

**Committee Amendment "A" (H-621)** proposed to strike from the resolve provisions on computation of time, the homebound requirement, the informal conference, a report on labor force initiatives, reassessments and barriers to receiving services. It proposed to increase the time period for sending the appeal form from 5 days to 10 days. It proposed to clarify that the "significant change" provision applies to home care programs only. It proposed to add an appropriation section, an allocation section and a fiscal note to the resolve.

**LD 641**

**An Act to Implement Recommendations of the Joint Advisory  
Committee on Select Services for Older Persons**

**P & S 22**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE PENDLETON	OTP-AM	H-377

LD 641 proposed to appropriate \$6,625,000 for improving access to and the delivery of services to older persons with mental illness, mental retardation, aging, dementia and substance abuse problems. The bill proposed to direct the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services to review and revise their rules to improve access to and the delivery of services. It proposed to require reports by February 1, 2002 regarding these issues and semiannual reports on access to and delivery of services beginning February 1, 2003. The bill proposed to provide allocations of federal money to match the General Fund appropriations.

**Committee Amendment "A" (H-377)** proposed to remove from the bill the appropriation and allocation sections and add a fiscal note.