

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
 Offices Located in the State House, Rooms 101/107/135

Joint Standing Committee on Health and Human Services

Enacted law summary

Private and Special Law 2001, chapter 31 allows Hospital Administrative District No. 1, which operates Penobscot Valley Hospital, to transfer its assets to a nonprofit, nonstock private corporation. The transfer will relieve the current towns in the district from potential liabilities of the hospital and enable the hospital to improve its facilities to better serve the people located in its service area without any financial obligations for the towns formerly comprising the district. The amendment provides for the transfer process.

Private and Special Law 2001, chapter 31 was enacted as an emergency measure effective when certification of dissolution is filed with the Secretary of State under the terms of the law.

LD 740 **An Act to Provide Relief for Patients with Chronic Pain** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCGLOCKLIN MARTIN	ONTP	

LD 740, a concept draft pursuant to Joint Rule 208, proposed to amend current law to ensure that licensed physicians would not be unduly restricted in the scope or manner of prescribing medication for their patients.

LD 756 **An Act to Ensure Quality Home Care Coordination Services and Improve Long-term Care Services** **PUBLIC 362**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE	OTP-AM	H-580

LD 756 proposed to establish quality improvement committees for home care services for the elderly and disabled, which would include representatives of the home care agencies, consumers, consumer advocates, health care and service providers and representatives from each area agency on aging.

The bill proposed to direct the Long-term Care Implementation Committee, established in Public Law 1999, chapter 731, Part BBBB, section 15, to monitor the work of state departments pertaining to long-term care and direct the committee to review rules pertaining to long-term care and make recommendations to the Department of Human Services, the Department of Mental Health, Mental Retardation and Substance Abuse Services and the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding amendments to those rules.

Committee Amendment "A" (H-580) proposed to replace the bill. It proposed to provide for an agency that contracts to provide home care coordination for the Department of Human Services to establish a quality assurance review committee to review the provision of home care services. It proposed to specify duties for the committee and to specify which entities the annual report must be provided. It proposed to add two consumer or consumer

Joint Standing Committee on Health and Human Services

advocate members to the Long-term Care Implementation Committee. It also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 362 requires an agency that contracts to provide home care coordination for the Department of Human Services to establish a quality assurance review committee to review the provision of home care services. It specifies duties for the committee and to which entities the annual report must be provided. It adds 2 consumer or consumer advocate members to the Long-term Care Implementation Committee.

LD 764

An Act to Establish an Ombudsman for Children and Families

**DIED ON
ADJOURNMENT**

Sponsor(s)
BOUCHER
TURNER

Committee Report
OTP-AM

Amendments Adopted
H-376

LD 764 proposed to repeal the statute that establishes the unfunded Child Welfare Services Ombudsman in the Department of Human Services. It proposed to establish the Ombudsman Office to provide ombudsman services through a contract with a nonprofit organization. The office would answer inquiries and investigate and work toward resolution of complaints regarding state services and programs, would provide information, assistance and legal representation services, may provide an outreach program, and may collect and analyze information and report annually to the joint standing committee of the Legislature having jurisdiction over health and human services matters. The bill proposed to provide for access to records, confidentiality of those records and immunity from civil and criminal liability.

Committee Amendment "A" (H-376) proposed to replace the bill. It proposed to combine the provisions of LD 159, LD 764 and LD 1300. It proposed to do the following:

1. Repeal the child welfare services ombudsman, a position in the Department of Human Services that has not been funded in years;
2. Establish an Ombudsman Office within the Executive Department through contract with an independent nonprofit organization;
3. Clarify that the duties of the ombudsman include serving the children and families of the State with regard to a child requesting or receiving services from the Department of Human Services, the Department of Mental Health, Mental Retardation and Substance Abuse Services or the child development services system within the Department of Education;
4. Provide for penalties for persons who intentionally interfere with the performance of the ombudsman's duties and for persons who penalize or impose restrictions on a person who makes a complaint or inquiry to the ombudsman;
5. Require a report in January 2003 regarding combining other advocacy and ombudsman functions within the Department of Education, the Department of Human Services, the Department of Mental Health, Mental