

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
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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**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOUCHER TURNER	OTP-AM	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

Joint Standing Committee on Health and Human Services

Retardation and Substance Abuse Services, the Department of Corrections and the Disability Rights Center;
and

6. Add an appropriation section and a fiscal note to the bill.

See Part II Budget, LD 855, PL 2001, chapter 439 Part X, enacting an ombudsman program using contracted services to serve families in the child welfare system.

LD 766

An Act to Improve Child Development Services

**DIED BETWEEN
BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER MITCHELL	OTP-AM	

LD 766 proposed to transfer responsibility for administering the Child Development Services System from the Department of Education to the Department of Human Services, effective July 1, 2002. The bill was jointly referred to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services.

Committee Amendment "A" (H-662) is the majority report on the bill. The amendment proposed to replace the bill and make it a resolve. The amendment proposed to direct the Commissioner of Education to review and develop a plan for reorganization of the provision of child development services required under federal law to children from birth to under 6 years of age throughout the State. The plan would provide for centralized administration of the system for delivering those services with the responsibility for decision making vested in the Department of Education in order to provide for equitable distribution of resources and services based on need across the State. The department would be required to consult with the Department of Human Services and Department of Mental Health, Mental Retardation and Substance Abuse Services. To ensure that required services are provided in a timely manner, the plan would have to also establish regional sites.

A 6-member legislative subcommittee would be established to advise the Commissioner of Education in developing the plan. The subcommittee would consist of members of the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services. The commissioner and subcommittee would use the services of outside consultants from national organizations in reviewing the current system and developing the reorganization plan.

The commissioner would report to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services by January 15, 2002. The report would be required to include the proposed reorganization plan and provide for implementation by July 1, 2002. The report would address transition issues and contain proposed implementing legislation. The joint standing committees would be authorized to introduce legislation to the Second Regular Session of the 120th Legislature to implement the plan.

The amendment proposed to add an appropriation section and a fiscal note to the bill.

Committee Amendment "B" (H-663) is the minority report on the bill. The amendment proposed to replace the bill and make it a resolve. It proposed to direct the Commissioner of Education's provider-director workgroup and