

# 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*

**Staff:**

*Jane Orbeton, Senior Analyst  
Julie Read Marsh, Legislative Analyst*

*Office of Policy and Legal Analysis  
13 State House Station  
Augusta, ME 04333  
(207) 287-1670*

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**Maine State Legislature**  
**OFFICE OF POLICY AND LEGAL ANALYSIS**

13 State House Station, Augusta, Maine 04333-0013  
 Telephone: (207) 287-1670  
 Fax: (207) 287-1275

**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

**LD 1545**                      **An Act to Increase the Supply of Medical Services to Consumers**                      **CARRIED OVER**

<u>Sponsor(s)</u> TURNER DUGAY		<u>Committee Report</u>		<u>Amendments Adopted</u>
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Under current law, before introducing additional health care services and procedures in a market area, a person must apply for and receive a certificate of need from the Department of Human Services. This bill proposed to eliminate that requirement.

This bill was carried over to the Second Regular Session of the 120<sup>th</sup> Legislature.

**LD 1558**                      **An Act to Amend the Licensing and Survey Requirements for Residential Care Facilities and Congregate Housing Services Programs**                      **PUBLIC 263**

<u>Sponsor(s)</u> FULLER		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1558 proposed to make it possible for the Division of Licensing and Certification of the Department of Human Services to extend the licensing period up to two years for residential care facilities and to allow flexibility with scheduling of surveys instead of requiring annual surveys in all cases.

### *Enacted law summary*

Public Law 2001, chapter 263 makes it possible for the Division of Licensing and Certification of the Department of Human Services to extend the licensing period up to two years for residential care facilities and to allow flexibility with scheduling of surveys instead of requiring annual surveys in all cases.

**LD 1560**                      **An Act Authorizing Patients to Designate Visitors**                      **PUBLIC 378**

<u>Sponsor(s)</u> BLISS BROMLEY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-578
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LD 1560 proposed to provide a process by which a health care patient may specify visitors to visit with the patient in a hospital or nursing facility except when the health care provider in charge has specified that no visitors are allowed.

**Committee Amendment "A" (H-578)** proposed to replace the bill. It proposed to allow patients in hospital units that restrict visitors to immediate family members to designate persons to be considered as immediate family members for the purpose of granting visitation rights during hospital visiting hours. The amendment proposed to

## Joint Standing Committee on Health and Human Services

provide exceptions under which a hospital may deny visitation with patients to designated visitors. The amendment proposed to require designations of visitors to be noted in the patient's medical records. The amendment proposed to require the Department of Human Services to adopt rules to implement the provisions on designation of visitors. The amendment proposed to add a fiscal note to the bill.

### *Enacted law summary*

Public Law 2001, chapter 378 allows patients in hospital units that restrict visitors to immediate family members to designate persons to be considered as immediate family members for the purpose of granting visitation rights during hospital visiting hours. It provides exceptions under which a hospital may deny visitation with patients to designated visitors. It requires designations of visitors to be noted in the patient's medical records. It requires the Department of Human Services to adopt rules to implement the provisions on designation of visitors.

**LD 1562**                      **An Act to Update the Name of the Department of Mental Health, Mental Retardation and Substance Abuse Services**                      **PUBLIC 354**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE TURNER	OTP-AM    MAJ ONTP        MIN	H-518

LD 1562 proposed to change the name of the Department of Mental Health, Mental Retardation and Substance Abuse Services to the Department of Behavioral and Developmental Services.

**Committee Amendment "A" (H-518)** is the majority report of the committee. It proposed to add a fiscal note to the bill.

### *Enacted law summary*

Public Law 2001, chapter 354 changes the name of the Department of Mental Health, Mental Retardation and Substance Abuse Services to the Department of Behavioral and Developmental Services.

**LD 1567**                      **An Act to Protect Consumers of Health Care Services**                      **DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER PENDLETON	OTP-AM	H-661

LD 1567 proposed to add unlicensed assistive personnel to the Maine Registry of Certified Nursing Assistants and rename the registry accordingly. Beginning October 1, 2001, the bill would require unlicensed assistive personnel to be registered within 120 days of being employed in a health care setting and would declare a violation of this provision to be a civil violation for which a forfeiture of \$100 could be assessed. The bill proposed to provide for name-based criminal background checks beginning October 1, 2001 for new employees who are unlicensed