

# 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:

<i>CARRIED OVER</i> .....	<i>Bill Carried Over to Second Regular Session</i>
<i>CON RES XXX</i> .....	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i> .....	<i>House &amp; Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i> .....	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i> .....	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i> .....	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i> .....	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i> .....	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i> .....	<i>Ought Not To Pass report accepted</i>
<i>OTP ND</i> .....	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i> .....	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PUBLIC XXX</i> .....	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i> .....	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i> .....	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's Veto</i>

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

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

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assistive personnel until January 1, 2003, when the system would change to fingerprint-based checks for unlicensed assistive personnel and certified nursing assistants.

**Committee Amendment "A" (H-661)** proposed to replace the bill. It proposed to change the title. It proposed to require the Department of Human Services to coordinate a public information campaign to increase consumer awareness of good hiring practices regarding unlicensed health care workers. It proposed to require the department to enlist the assistance of the Department of Mental Health, Mental Retardation and Substance Abuse Services, the long-term care ombudsman program established pursuant to the Maine Revised Statutes, Title 22, section 5107-A, an organization providing legal services for the elderly, area agencies on aging and other interested agencies, providers of health care and advocates for consumers of health care services. It proposed to require the Department of Human Services to report before January 1, 2002 to the Joint Standing Committee on Health and Human Services on the progress that has been made with regard to the public information campaign. The amendment also proposed to add an appropriation section and a fiscal note.

**LD 1568**

**An Act to Amend the Laws Pertaining to Protection and Advocacy for Persons with Developmental or Learning Disabilities or Mental Illness**

**PUBLIC 357**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRANNIGAN DAGGETT	OTP-AM	H-539

LD 1568 proposed to amend the laws establishing the protection and advocacy system for developmentally disabled persons and mentally ill individuals to be consistent with federal laws in the areas of definitions, access and scope of responsibility. It also proposed to add references to federal laws that establish new protection and advocacy services within the overall system and to the services permitted under these federal laws.

**Committee Amendment "A" (H-539)** proposed to replace the bill. It proposed to update the laws relating to the advocacy system for persons with disabilities. It proposed to clarify the obligations of mental health facilities and hospitals to notify the advocacy agency regarding reportable incidents.

See also the Errors Bill, LD 30, Public Law 2001, chapter 471, Part D.

### ***Enacted law summary***

Public Law 2001, chapter 357 updates the laws relating to the advocacy system for persons with disabilities. It clarifies the obligations of mental health facilities and hospitals to notify the advocacy agency regarding reportable incidents.

See also Errors Bill, LD 30, Public Law 2001, chapter 471, Part D, for technical corrections to language.