

# MAINE STATE LEGISLATURE

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*State Of Maine  
120th Legislature*

*Second Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Health and Human Services*

*May 2002*

**Staff:**

*Jane Orbeton, Senior Analyst  
Lisa Baldwin, 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**  
**Second Regular Session**

**Summary Of Legislation Before The Joint Standing Committees**  
**May 2002**

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 arranged alphabetically by committee name 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>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>PASSED</i> .....	<i>Joint Order passed in both bodies</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 Second Regular Session (unless otherwise specified in a particular law) is July 25, 2002.

**Patrick T. Norton, Interim Director**  
**Offices located in Room 215 of the Cross Office Building**

## Joint Standing Committee on Health and Human Services

LD 1768

### An Act to Create a Comprehensive Prescription Insurance Plan for Maine Seniors through the Implementation of the Recommendations of the Heinz Family Philanthropies Report

ONTP

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

LD 1768 was a concept draft pursuant to Joint Rule 208.

This bill proposed to create a comprehensive prescription insurance plan for senior citizens of the State in accordance with the recommendations of the Heinz Family Philanthropies study regarding prescription drugs.

The plan would have included the following requirements:

1. All Maine citizens 62 years of age and older would be eligible;
2. The plan would be means tested. Premiums, copayments, deductibles and a catastrophic cap would all be tied to income levels and the consumer price index. Persons with the lowest income levels would also have the lowest catastrophic cap;
3. In determining the premiums, deductibles and catastrophic caps for married couples based on household income, a reduction would be given so that those couples are not penalized or disadvantaged;
4. A formulary based on incentives would be established with generic, preferred and nonpreferred drugs;
5. If a generic drug is available, a brand-name drug would be available only by paying the difference in cost between the generic and brand-name medication;
6. "Lifestyle" drugs would be excluded from the plan; and
7. The plan would sunset after 4 full fiscal years.

**LD 1799**

### An Act to Strengthen the Certificate of Need Law

PUBLIC 664

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH	OTP-AM MAJ	S-507
	ONTP MIN	S-573 DOUGLASS

LD 1799 proposed to repeal and replace the Maine Certificate of Need Act of 1978. This bill proposed to require that health prevention services be part of reviewable projects, clarify when certificate of need waivers can be granted, clarify the ability of the Department of Human Services to impose conditions on a certificate of need, change certain dates, eliminate the Certificate of Need Advisory Committee and authorize the commissioner to establish a new advisory committee.

**Committee Amendment "A" (S-507)** proposed to clarify language in the bill. It proposed to allow the Commissioner to hold a public hearing and to increase the monetary thresholds for certificates of need.

## Joint Standing Committee on Health and Human Services

**Senate Amendment "B" to Committee Amendment "A" (S-573)** proposed to provide standards for the Commissioner to review a certificate of need project after the certificate has been granted.

### *Enacted law summary*

Public Law 2001, chapter 664 repeals and replaces the Maine Certificate of Need Act of 1978. This law clarifies when certificate of need waivers can be granted, clarifies the ability of the Department of Human Services to impose conditions on a certificate of need, changes certain dates, and eliminates the Certificate of Need Advisory Committee. It clarifies the authority of the Commissioner to review a project for which a certificate of need has been granted.

See also Public Law 2001, chapter 710, sections 9 and 10 clarifying that 22 MRSA section 332 (review after approval) applies retroactively to applications filed or approved on or after January 1, 1999.

**LD 1843**                      **An Act to Require that Temporary Nurse Agencies Verify Certified Nursing Assistants' Eligibility Before Hiring Certified Nursing Assistants**                      **PUBLIC 494**

<u>Sponsor(s)</u> SNOWE-MELLO		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1843 proposed to require a temporary nurse agency to verify the inclusion of a certified nursing assistant on the Maine Registry of Certified Nursing Assistants before hiring that certified nursing assistant.

### *Enacted law summary*

Public Law 2001, chapter 494 requires a temporary nurse agency to verify the inclusion of a certified nursing assistant on the Maine Registry of Certified Nursing Assistants before hiring that certified nursing assistant.

**LD 1847**                      **An Act Regarding Fire Inspections for Foster Homes**                      **PUBLIC 515**

<u>Sponsor(s)</u> LAVERRIERE-BOUC LONGLEY		<u>Committee Report</u> OTP		<u>Amendments Adopted</u> S-427 LONGLEY
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LD 1847 proposed to change the fire inspection period to be every 2 years for those places licensed as family foster homes and specialized children's homes. It proposed to bring the licensing and fire inspection requirements in line with each other and ensure that all licensing requirements are addressed in a timely and coordinated manner.

### *Enacted law summary*

Public Law 2001, chapter 515 changes the fire inspection period to be every 2 years for those places licensed as family foster homes and specialized children's homes. It brings the licensing and fire inspection requirements in line with each other and will ensure that all licensing requirements are addressed in a timely and coordinated manner.