

# 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*

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**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

The bill proposed to require the Department of Human Services to amend its principles of reimbursement for both nursing facilities and residential care facilities to remove the occupancy penalty.

The bill also proposed to modify fair hearing proceedings on Medicaid payment issues. By October 1, 2002, the Department of Human Services would amend the rules governing fair hearing proceedings for appeals by providers of Medicaid payment rates to require that the hearing officer for these proceedings be an individual who is not employed by the department and to vest in the hearing officer final authority to issue appropriate rulings that are not subject to modification by the Commissioner of Human Services.

**Committee Amendment "A" (S-523)** proposed to allow inflation adjustments that reflect actual rates of inflation and interim payments for nursing and residential care facilities. It proposed to allow retention of savings by nursing facilities. It proposed to allow adult family care homes to be reimbursed for insurance costs. It proposed to loosen occupancy penalties. It proposed to require an independent hearing officer appeals process. It proposed to require the Governor to include full long-term care funding in the Governor's budget.

**Senate Amendment "A" (S-611)** proposed to remove reference to actual rates of inflation and to change the date of application of the retention of savings provisions to October 1, 2001. The amendment proposed to remove reimbursement provisions for private nonmedical institutions and adult family care homes. The amendment proposed to remove the provisions regarding the preparation of the budget by the Governor and to substitute a report on long-term care costs every two years beginning January 31, 2003.

### *Enacted law summary*

Public Law 2001, chapter 666 requires the Department of Human Services to make several changes in the system of payment for nursing facility services. These changes include an overall requirement that the payment use regional wage adjustments, adjusting for inflation using factors that reflect increases in operating costs experienced in Maine and allowing nursing facilities to retain savings in routine component costs. The law requires the Department of Human Services to amend its principles of reimbursement for nursing facilities to lessen the occupancy penalty for facilities with fewer than 60 beds. The law also modifies fair hearing proceedings on Medicaid payment issues providing for an independent hearing officer. It requires reporting on long-term care costs and funding by January 31 every 2 years beginning January 31, 2003.

Public Law 2001, chapter 666 was enacted as an emergency measure April 11, 2002.

**LD 1925**

**Resolve, to Extend the Reporting Deadline for the Maine Millennium Commission on Hunger and Food Security**

**INDEF PP**

<u>Sponsor(s)</u> SNOWE-MELLO		<u>Committee Report</u> OTP		<u>Amendments Adopted</u> S-423 LONGLEY
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LD 1925 proposed to extend the reporting deadline for the final report of the Maine Millennium Commission on Hunger and Food Security by 6 months to June 5, 2002.