

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
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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).

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:

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
PASSED	Joint Order passed in both bodies
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 Second Regular Session (unless otherwise specified in a particular law) is July 25, 2002.

Patrick T. Norton, Interim Director
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Joint Standing Committee on Health and Human Services

LD 1930

An Act to Ensure the Fair Collection of Overpayments

PUBLIC 551

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON LONGLEY	OTP-AM	H-884

LD 1930 proposed to prohibit the Department of Human Services from collecting overpayments accrued in public benefit programs from people who were minors in the household at the time that their parent or other caretaker received the overpayment.

Committee Amendment "A" (H-884) proposed to replace the bill. This bill proposed to prohibit, to the extent permitted by federal law, the Department of Human Services from collecting overpayments accrued in the Temporary Assistance for Needy Families program, the Aid to Families with Dependent Children program and the food stamp program from people who were minors in the household at the time that their parent or other caretaker received the overpayment.

Enacted law summary

Public Law 2001, chapter 551 prohibits the Department of Human Services, to the extent permitted by federal law, from collecting overpayments accrued in the Temporary Assistance for Needy Families program, the Aid to Families with Dependent Children program and the food stamp program from people who were minors in the household at the time that their parent or other caretaker received the overpayment.

LD 1933

Resolve, Establishing the Blue Ribbon Commission to Address the Financing of Long-term Care

**RESOLVE 114
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE MARTIN	OTP-AM	H-910 S-556 GOLDTHWAIT

LD 1933 proposed to establish a blue ribbon commission to investigate and analyze the future costs of providing long-term health care to elderly and disabled adults and recommend an integrated system of financing the projected costs of these services.

The commission would investigate all relevant questions bearing on this issue, including but not limited to the following:

1. Whether the financial risk associated with uncertain long-term health care costs should be shared through some type of public or private insurance system;
2. Whether individuals should be encouraged or required to begin saving for predictable long-term health care needs at earlier ages; and
3. Whether each generation of working adults should pay for the long-term care costs of their parents' and grandparents' generations.

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The commission would be funded with grants, donations and other nonstate-funded sources of revenue.

Committee Amendment "A" (H-910) proposed to replace the concept draft and establish the Blue Ribbon Commission to Address the Financing of Long-term Care to address the escalating costs of long-term care and propose a comprehensive plan that addresses the financing of future needs while preserving high quality and promoting individual choice. It proposed to add a fiscal note.

Senate Amendment "A" to Committee Amendment "A" (S-556) was prepared pursuant to action taken by the Legislative Council on March 26, 2002.

The amendment proposed to make the following changes.

1. Alter the authority for appointing members of the commission. Under this amendment, the Speaker of the House of Representatives, rather than the Governor, appoints the representative of an academic or public policy institute with expertise in health care economics or finance and the representative of an accounting firm with expertise in health care financing. In addition, the President of the Senate, rather than the Governor, appoints the member of a statewide organization representing financial institutions;
2. Change from 60 days to 15 days the length of time after the appointment of all members that the first meeting of the commission must be held;
3. Limit the commission to holding a maximum of 4 meetings per year, remove language that would have required that meetings be held in various areas of the State and prohibit the commission from meeting during the legislative session;
4. Refine language regarding the ability of the commission to seek and accept other sources of funds;
5. Incorporate language from House Amendment "B" to Committee Amendment "A," which allows the commission to seek staff assistance from the Office of Policy and Legal Analysis through the Legislative Council;
6. Incorporate language from House Amendment "B" to Committee Amendment "A," which gives legislators who are members of the commission legislative per diem and reimbursement for their expenses, and in addition specify that if other sources of funds become available, they may be used to compensate members of the commission;
7. Clarify the date by which the commission's reports must be submitted, and require that the commission's interim report be presented to the Legislature as well as to the Long-term Care Implementation Committee;
8. Add language required by the Joint Rules to the section governing the administration of the commission's budget; and
9. Add a new appropriation and allocation section to reflect these changes.

Enacted law summary

Resolve 2001, chapter 114 establishes a blue ribbon commission to address the escalating costs of long-term care and propose a comprehensive plan that addresses the financing of future needs while preserving high quality and

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promoting individual choice. The commission will investigate all relevant questions bearing on this issue, including but not limited to the following:

1. Whether the financial risk associated with uncertain long-term health care costs should be shared through some type of public or private insurance system;
2. Whether individuals should be encouraged or required to begin saving for predictable long-term health care needs at earlier ages; and
3. Whether each generation of working adults should pay for the long-term care costs of their parents' and grandparents' generations.

The Commission is required to submit its report, along with any recommended implementing legislation, to the Health and Human Services Committee no later than November 6, 2003.

Resolve 2001, chapter 114 was finally passed as an emergency measure effective April 11, 2002.

LD 1934

Resolve, to Provide Access to Personal Care Assistant Home Care Services

**RESOLVE 94
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER LONGLEY	OTP-AM	H-997

LD 1934 proposed to require the Department of Human Services to amend immediately its rules regarding reimbursement for personal care assistant home care services by increasing the reimbursement rate for these services by \$1 per hour. The department also would be required to review its rules regarding the reimbursement structure for personal care assistant home care services, identify barriers to those services, revise rules as necessary to improve the delivery of those services and report to the Joint Standing Committee on Health and Human Services by October 1, 2002.

Committee Amendment "A" (H-997) proposed to require review of the rules for reimbursement for personal care assistant services, identification of barriers and revision of rules to improve the delivery of those services. A report would be required by January 15, 2003.

Enacted law summary

Resolve 2001, chapter 94 requires the Department of Human Services to review its rules regarding the reimbursement structure for personal care assistant home care services, identify barriers to those services, revise rules as necessary to improve the delivery of those services and report to the Joint Standing Committee on Health and Human Services by January 15, 2003.

Resolve 2001, chapter 94 was finally passed as an emergency measure effective April 3, 2002.