

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Health and Human Services*

July 2003

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Sen. Carol Weston*

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Maine State Legislature



Office Of Policy And Legal Analysis Office Of Fiscal And Program Review

121st Maine Legislature First Regular Session

Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint 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:

| | |
|---|--|
| <i>CARRIED OVER PURSUANT TO HP 1212</i> | <i>Bills carried over to the 2nd 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 & 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>P&S XXX</i> | <i>Chapter # of enacted Private & 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 that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

David C. Elliott, Director
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Joint Standing Committee on Health and Human Services

LD 43 **An Act To Continue To Allow Young Adults To Remain in Foster Care after Turning 18 Years of Age** **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|----------------------------------|-------------------------|---------------------------|
| LAVERRIERE- BOUCHER BRYANT | ONTP | |

LD 43 proposed to make mandatory under certain conditions the Department of Human Services program for educational, support and supportive services for certain state wards up to 21 years of age.

LD 44 **Resolve, to Change MaineCare Prior Authorization Procedures for Certain Women's Health Care Procedures** **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|----------------------------------|-------------------------|---------------------------|
| LAVERRIERE- BOUCHER BRYANT | ONTP | |

LD 44 proposed to direct the Department of Human Services to adopt rules to expand women's access to gynecological and reproductive health care services.

LD 55 **An Act to Keep Foster Children Safe and Healthy** **P & S 24**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-----------------------------------|--------------------------------------|------------------------------|
| LAVERRIERE- BOUCHER BRENNAN | OTP-AM MAJ ONTP MIN | H-170 H-240 TRAHAN |

LD 55 proposed to prohibit smoking in a family foster home where a foster child is living and prohibit foster parents from smoking in their private vehicles.

Committee Amendment "A" (H-170) proposed to restrict the prohibition on smoking in a foster parent's vehicle that is contained in the bill to smoking while a foster child is in the vehicle. The amendment proposed to provide for phasing in the prohibition on foster parents smoking in their homes and in their vehicles while a foster child is in the vehicle and provide for state assistance on smoking addiction. The amendment proposed to require rulemaking and designates the rules as major substantive rules. The amendment proposed to require reporting from the Department of Human Services regarding the number of foster parents who smoke and the number who are interested in assistance in overcoming their addiction to tobacco.

House Amendment "B" to Committee Amendment "A" (H-240) proposed to require the Department of Human Services to adopt rules on smoking in foster homes and in private vehicles of foster parents. The amendment proposed to designate the rules as major substantive rules.

Joint Standing Committee on Health and Human Services

House Amendment "A" to Committee Amendment "A" (H-238), which was not adopted, proposed to prohibit a foster parent from smoking in that foster parent's private residence if that residence is a family foster home when a foster child is present in that residence and may not allow any other person to smoke in that foster parent's private residence when a foster child is present in that residence.

Enacted Law Summary

Private and Special Law 2003, chapter 24 requires the Department of Human Services to adopt rules on smoking in foster homes and in private vehicles of foster parents. The amendment designates the rules as major substantive rules.

LD 57

An Act To Establish the Long-term Care Oversight Committee

**PUBLIC 465
EMERGENCY**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| KANE PENDLETON | OTP-AM | H-443 S-276 GAGNON |

The law authorizing the Long-term Care Implementation Committee was repealed on January 1, 2003. LD 57 proposed to postpone that repeal until November 1, 2004. It also proposed to add 2 additional reporting dates for the committee to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters.

Committee Amendment "A" (H-443) proposed to establish a new Long-term Care Oversight Committee to replace the Long-term Care Steering Committee, which is discontinued by the amendment, and the Long-term Care Implementation Committee, which was repealed on January 1, 2003.

Senate Amendment "A" to Committee Amendment "A" (S-276) proposed to clarify several provisions relating to the Long-term Care Oversight Committee. It proposed to provide that members who are Legislators are entitled to the legislative per diem and expenses for service on the committee. It proposed to limit the committee to no more than 4 meetings per year. It proposed to clarify the authority of the committee to introduce a bill each year.

Enacted Law Summary

Public Law 2003, chapter 465 establishes the Long-term Care Oversight Committee to oversee policies and programs in the Department of Human Services with regard to long-term care for adults with disabilities and the elderly. The Committee, composed of 3 legislators and 14 public members, may meet up to 4 times per year and is required to submit an annual report to the Health and Human Services Committee.

Public Law 2003, chapter 465 was enacted as an emergency effective June 18, 2003.