

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
Health and Human Services*

May 2004

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Members:

*Sen. Michael F. Brennan, Chair
Sen. John L. Martin
Sen. Carol Weston*

*Rep. Thomas J. Kane, Chair
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Maine State Legislature



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

*121st Maine Legislature
Second Regular Session and
Second Special 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/billsumm.htm).

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*
- 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 that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is April 30, 2004; and non-emergency legislation enacted in the Second Special Session is July 30, 2004. Four bills (LD's 1572, 1629, 1636 and 1637) that were considered at the First Special Session in August 2003 are also included in these summaries.

David C. Elliott, Director
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on Health and Human Services

LD 156

An Act to Require that Patients in Private Mental Hospitals Be Afforded the Same Rights As Patients in State Mental Institutions

**PUBLIC 649
EMERGENCY**

<u>Sponsor(s)</u> BENNETT R		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-482
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LD 156 proposed to require the Commissioner of Human Services to adopt routine technical rules to provide the same enhancement and protection of rights for patients receiving services from a private hospital for the treatment of mental illness that is provided under existing law and rule for patients receiving services from the Department of Behavioral and Developmental Services, from a state mental health institute or from a private mental health institution under a contract with the state to receive involuntary patients.

Committee Amendment “A” (S-482) proposed to replace the bill. The amendment proposed to require the Commissioner of Human Services to adopt routine technical rules by August 1, 2004 to protect the rights of adult patients receiving mental health services in hospitals that are nonstate mental health institutions and are not subject to the grievance procedures of the Department of Behavioral and Developmental Services. It proposed to require the Commissioner to hold a public hearing before adopting the rules. The amendment proposed to require that the rights protected under the rules to be consistent with the rights of recipients of mental health services that are applicable in other settings, including the same opportunity for hearing and type of hearing that is provided under Department of Behavioral and Developmental Services rules. The amendment proposed to provide for delegation of authority for hearing grievances from the Department of Human Services to the Department of Behavioral and Developmental Services. The amendment proposed to designate the decision of the Department of Behavioral and Developmental Services as final agency action for purposes of appeal to court. The amendment proposed to add an emergency preamble and an emergency clause.

Enacted Law Summary

Public Law 2003, chapter 649, requires the Commissioner of Human Services to adopt routine technical rules by August 1, 2004 to protect the rights of adult patients receiving mental health services in hospitals that are nonstate mental health institutions and are not subject to the grievance procedures of the Department of Behavioral and Developmental Services. It requires the Commissioner to hold a public hearing before adopting the rules. The law also requires that the rights protected under the rules be consistent with the rights of recipients of mental health services that are applicable in other settings, including the same opportunity for hearing and type of hearing that is provided under Department of Behavioral and Developmental Services rules. The law provides for delegation of authority for hearing grievances from the Department of Human Services to the Department of Behavioral and Developmental Services and designates the decision of the Department of Behavioral and Developmental Services as final agency action for purposes of appeal to court.

Public Law 2003, chapter 649 was enacted as an emergency effective April 22, 2004.