

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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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 257

An Act To Honor the Intent of Organ Donors

PUBLIC 394

Sponsor(s)
FAIRCLOTH
PENDLETON

Committee Report
OTP-AM

Amendments Adopted
H-445

LD 257 proposed to address organ and tissue donation and transplantation. It proposed to add a short segment on organ and tissue donation and transplantation to the driver's education curriculum and direct the Secretary of State's office to read to applicants for driver's licenses a short statement on organ and tissue donation and to provide an opportunity for the applicant to become a donor. It proposed to direct the Secretary of State to modify its existing database system to maintain the Maine Organ Donor Registry, to establish a volunteer advisory committee and to make registry information available to federally designated organ procurement organizations. The bill proposed to require persons in possession of an advance health care directive to submit the directive to the Maine Organ Donor Registry. It proposed to provide rule-making authority for the Secretary of State. The bill contained the honor-the-intent law, a provision to make clear that donor-expressed intent takes precedence, and specifies the procedures under which a next of kin may override donor intent. The bill proposed to provide that public employees who donate bone marrow are eligible for 7 days of administrative leave for that purpose and public employees who are donors of other tissues and organs are eligible for 30 days of administrative leave for that purpose. This administrative leave would be in addition to any sick leave to which the employee is entitled. The bill contained an effective date of January 1, 2004.

Committee Amendment "A" (H-445) proposed to do the following:

1. It proposed to delete the provision requiring submission of organ donation documents to the Maine Organ Donation Registry;
2. It proposed to delete the provision requiring driver education curricula to contain an organ donation segment and the provision by driver education programs of information on organ donation and the possibility of saving lives through organ donation;
3. It proposed to change the witnessing of organ donation override from 2 witnesses to one and requires discussion with an organ procurement organization instead of the hospital;
4. It proposed to require the Secretary of State's personnel to make available organ donation materials instead of reading them to the applicant;
5. It proposed to require the Maine Organ Donor Registry to accept information from those persons who indicate their intent to donate through the Office of the Secretary of State;
6. It proposed to require the Secretary of State to make available to driver education schools information regarding organ and tissue donation;
7. It proposed to add an allocation in fiscal year 2004-05 of \$20,000 from the Highway Fund for the Maine Organ Donor Registry; and

Joint Standing Committee on Health and Human Services

8. It proposed to provide an effective date of July 1, 2004.

This law was proposed to take effect July 1, 2004.

Enacted Law Summary

Public Law 2003, chapter 394 states the general rule to honor the intent of a person who has indicated the intention to be an organ donor after death. The law provides a mechanism for overriding that intention. The law requires the Secretary of State's Office to provide information on organ donation to applicants drivers licenses and driving schools and, upon completion of a new computer system, to maintain the Maine Organ Donor Registry. The law becomes effective July 1, 2004.

LD 281 Resolve, Regarding the Operation of the Maine Registry of Certified Nursing Assistants RESOLVE 96

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUNKER	OTP-AM MAJ	H-542
STANLEY	ONTP MIN	S-292 CATHCART

LD 281 proposed to require rulemaking to improve the operation of the Maine Registry of Certified Nursing Assistants and to improve access to information in the registry.

Committee Amendment "A" (H-542) was the majority report of the committee. The amendment proposed to replace the resolve. It proposed to delete the portions of the resolve pertaining to InforME and the portions pertaining to access to criminal history record information. It proposed to retain the provision on payment for criminal history record checks for the Maine Registry of Certified Nursing Assistants. It proposed to require the Department of Public Safety to amend the rules regarding criminal history record checks to grant free access to the Maine Registry of Certified Nursing Assistants. It proposed to require rulemaking by the Department of Education on including the cost of the first record check in a course fee. It proposed to require a series of reports to the Legislature from the Department of Human Services on information about national record checks and fingerprint-based checks. The amendment proposed to add an appropriations and allocations section for the Department of Public Safety for costs associated with processing background checks.

Senate Amendment "A" to Committee Amendment "A" (S-292) proposed to remove the requirement that the Department of Public Safety amend the rules regarding criminal history record checks to grant free access to the Maine Registry of Certified Nursing Assistants. The amendment also proposed to include a General Fund appropriation to reflect the lower costs that the department will incur to process background checks for new certified nursing assistants.

Enacted Law Summary

Resolve 2003, chapter 96 requires the Department of Public Safety to adopt rules providing free access to criminal history record information for the Maine Registry of Certified Nursing Assistants. It requires the Department of Education to adopt rules requiring the CNA course fee to include the record check fee. It requires the Department of Human Services to report to the Health and Human Services Committee on the method of conducting CNA