

# MAINE STATE LEGISLATURE

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*State Of Maine  
121st Legislature*

*First Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Legal and Veterans' Affairs*

*July 2003*

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Sen. Kenneth F. Lemont  
Sen. Arthur F. Mayo III*

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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](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>CARRIED OVER PURSUANT TO HP 1212</i> .....	<i>Bills carried over to the 2<sup>nd</sup> 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 &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>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 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**  
Offices located in Room 215 of the Cross Office Building

*Joint Standing Committee on Legal and Veterans' Affairs*

**LD 288**

**Resolve, to Authorize Michelle Booker to Sue the State**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u> PERRY J MAYO	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-270
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LD 288 proposed to authorize Michelle Booker, in her capacity as personal representative of the estate of Donna Leen, who was murdered on October 13, 2001 by Carl Wayne Heath following Mr. Heath's release from state criminal custody in Bangor, to sue the State under Maine's wrongful death laws. Compensatory damages are limited to \$400,000.

**Committee Amendment "A" (H-270)** proposed to clarify that the resolve authorizes suit against the Department of Corrections and constitutes a waiver of the State's defense of immunity under the Maine Tort Claims Act. The amendment also clarified that the maximum amount of recovery is \$400,000, including punitive damages.

**LD 373**

**An Act Eliminating the Receipt by the Maine Veterans' Homes of Any Reimbursement from the MaineCare Program for the Costs of Renovating the Existing 120-bed Maine Veterans' Homes Nursing Facility in Augusta**

**PUBLIC 3  
EMERGENCY**

<u>Sponsor(s)</u> COLWELL GAGNON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-10
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LD 373 proposed to prohibit the Department of Human Services from reimbursing the Maine Veterans' Homes with MaineCare funds for costs associated with renovations to its 120-bed nursing facility in Augusta in connection with a certificate of need application filed January 22, 2002, and to clarify that a Legislative appropriation of funds for the cost of the renovations is not required.

**Committee Amendment "A" (H-10)** proposed to add a provision to the bill to exempt the Maine Veterans' Homes renovation project from the provision of law that prohibits the Department of Human Services from modifying its principles of reimbursement for long-term care facilities to exclude reimbursement for depreciation of assets created with federal or state grants. The amendment proposed to direct the department to amend its rules regarding reimbursement of long-term care facilities accordingly. It also proposed to add a fiscal note to the bill.

***Enacted Law Summary***

Public Law 2003, chapter 3 prohibits the Department of Human Services from reimbursing the Maine Veterans' Homes with MaineCare funds for costs associated with renovations to its 120-bed nursing facility in Augusta in connection with a certificate of need application filed January 22, 2002, and clarifies that a Legislative appropriation of funds for the cost of the renovations is not required. The law also exempts this Maine Veterans' Homes renovation project from the provision of law that prohibits the Department of Human Services from modifying its principles of reimbursement for long-term care facilities to exclude reimbursement for depreciation of assets created with federal or state grants and directs the department to amend its rules accordingly.

Public Law 2003, chapter 3 was enacted as an emergency measure effective February 19, 2003.