

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

Staff:

*Jane Orbeton, Senior Analyst
Lucia Nixon, Legislative Analyst*

*Office of Policy and Legal Analysis
13 State House Station
Augusta, ME 04333
(207) 287-1670*

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Sen. John L. Martin
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
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on Health and Human Services

LD 440 **Resolve, To Provide Equitable Treatment of Graduate Students** **ONTP**

<u>Sponsor(s)</u> CATHCART DUNLAP		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 440 proposed to direct the Department of Human Services by November 1, 2003 to work with the University of Maine System to provide assistance through child care and other programs for any parent who is a resident of the State and a student at the university graduate level.

LD 444 **Resolve, Regarding Coverage of Durable Medical Equipment in the MaineCare Program** **ONTP**

<u>Sponsor(s)</u> MARRACHE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 444 proposed to require that by November 1, 2003 the Department of Human Services adopt rules for reimbursement for durable medical equipment under the MaineCare program, specifically regarding the process for determining deductible requirements for medically needy individuals. The rules would increase the protected income level to the federal poverty level and waive the deductible process for terminally ill persons. The rules were designated as routine technical rules.

LD 471 **Resolve, To Study Obesity and Methods To Decrease the Cost of Health Care and Increase the Public Health** **RESOLVE 95**

<u>Sponsor(s)</u> FAIRCLOTH BRENNAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-464 H-585 KANE
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LD 471 proposed to establish the Commission to Study Public Health to study the causes of obesity and methods to decrease the cost of health care and improve public health. The commission would be charged with submitting a report, together with legislation, to the Second Regular Session of the 121st Legislature by December 1, 2003.

Committee Amendment "A" (H-464) proposed to make a number of changes in the resolve. The amendment proposed to add 17 members to the study commission, broadening the representation. The amendment proposed to alter the duties of the commission, removing the duty to include in its report and any suggested legislation options for the labeling of fats on all packaged food and the requirement to use in the report and legislation the food pyramid associated with the Harvard School of Public Health and providing focus for other duties. The amendment also proposed to add authority to seek outside funds and prohibit any expenditures that have an effect on the General Fund.

Joint Standing Committee on Health and Human Services

House Amendment "B" to Committee Amendment "A" (H-585) proposed to incorporate the substance of Senate Amendment "A" to Committee Amendment "A" (S-281), except that it would remove the emergency preamble and the emergency clause.

House Amendment "A" to Committee Amendment "A" (H-529), which was not adopted, proposed to require the solicitation and use of outside funding to cover all costs of the commission and provide that if sufficient funds are not received no meetings are authorized.

Senate Amendment "A" to Committee Amendment "A" (S-281), which was not adopted, proposed to add an emergency preamble and emergency clause and allow the commission to seek staff assistance from the Legislative Council or from the Office of Policy and Legal Analysis assistance. The amendment proposed to change the reporting date from December 1, 2003 to December 3, 2003. The amendment also proposed to allow the commission to seek outside funding to fully fund itself, except it may not accept funds from any party having a vested interest in the outcome. All contributions would be subject to Legislative Council approval.

Enacted Law Summary

Resolve 2003, chapter 95 establishes the Commission to Study Public Health to study the causes of obesity and methods to decrease the cost of health care and improve public health. The commission is composed of 31 members, of whom 4 are legislators. The Commission is required to submit a report to the Legislature by December 1, 2003 and may introduce its own legislation.

LD 480 **Resolve, To Maintain Flexibility and Safety in Caring for People with Severe and Persistent Mental Illness** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT O'BRIEN J	ONTP	

LD 480 proposed to direct the Department of Behavioral and Developmental Services to maintain one unit of beds at the Augusta Mental Health Institute. The bill proposed to establish criteria for transfer to a state psychiatric facility and to require the department to report quarterly to the Joint Standing Committee on Health and Human Services on the number of transfer requests. The bill also proposed to require a plan for meeting the needs of patients denied admission when the number of denied admissions exceeded 30% of requests.

LD 532 **Resolve, Directing the Maine Health Data Organization To Evaluate the Current System of Annual Assessments and User Fees** **RESOLVE 35**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING WESTON	OTP-AM	H-255

LD 532 proposed to repeal the Maine Health Data Organization's annual assessments against insurers and providers and to repeal the organization's rulemaking authority with regard to enforcement of assessments.