

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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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 1264 **Resolve, Regarding Notice of Deficient Care in Long-term Care Settings** **RESOLVE 68**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUDLEY MAYO	OTP-AM	H-466

LD 1264 proposed to require the Department of Human Services to publish notices in a newspaper of general circulation if a long-term care facility or in-home provider of adult services has failed to correct deficiencies that places a resident in imminent jeopardy in the care it is providing.

Committee Amendment "A" (H-466) proposed to require the Department of Human Services, Bureau of Medical Services, Division of Licensing to work together with interested parties, providers and advocates to review information that is available to the public on deficiencies in long-term care settings. It proposed to require a report with recommendations to the Joint Standing Committee on Health and Human Services no later than February 1, 2004.

Enacted Law Summary

Resolve 2003, chapter 68 requires the Department of Human Services, Bureau of Medical Services, Division of Licensing to work together with interested parties, providers and advocates to review information that is available to the public on deficiencies in long-term care settings. It requires a report with recommendations to the Joint Standing Committee on Health and Human Services no later than February 1, 2004.

LD 1287 **An Act To Amend the Life Safety Requirements for Residential Care Facilities** **PUBLIC 398
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT FLETCHER	OTP-AM	S-192 S-238 MARTIN

LD 1287 proposed to clarify certain changes to the life safety requirements for residential care facilities. In 2002, the Legislature directed the Office of the State Fire Marshal to adopt various chapters of the National Fire Protection Association Life Safety Code, depending on the size of the facility and the ability of residents to evacuate. During the implementation of the new requirements, several situations were identified as being unintended and unnecessary. This bill proposed to correct those situations.

Committee Amendment "A" (S-192) proposed to add an emergency preamble and emergency clause to the bill and correct punctuation.

Senate Amendment "A" (S-238) proposed to exempt residential care facilities with 4 or fewer beds from the requirements of certification by a design specialist.

See also errors bill, LD 274, Part G for further amendment.

Joint Standing Committee on Health and Human Services

Enacted Law Summary

Public Law 2003, chapter 398 clarifies certain changes to the life safety requirements for residential care facilities. It exempts residential care facilities with 4 or fewer beds from the requirements of certification by a design specialist.

Public Law 2003, chapter 398 was enacted as an emergency measure effective June 3, 2003.

LD 1288 Resolve, To Increase Public Access to the Prior Authorization Process RESOLVE 64

<u>Sponsor(s)</u> TURNER DUGAY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-197
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LD 1288 proposed to establish the Drug Utilization Review Committee to make determinations regarding which prescription and over-the-counter drugs are subject to prior authorization under the MaineCare program. The bill proposed to require public notice of committee meetings to be given, and provide that committee meetings are public proceedings and committee documents are public records for purposes of the laws governing freedom of access. It proposed to provide that members of the public must be granted a reasonable opportunity to address the committee and require the committee to issue written findings that describe the basis for its decisions. It also proposed to provide that a 2/3 vote of the committee would be required to add or delete a drug from the list of drugs that require prior authorization and that the decisions of the committee are final agency action for purposes of the Maine Administrative Procedure Act.

Committee Amendment "A" (S-197) proposed to replace the bill with a resolve. It proposed to remove the provisions establishing the drug utilization review committee in statutes. It proposed to direct the Department of Human Services to review MaineCare procedures applicable to the drug utilization review committee, to open those procedures to the public to the extent possible and to report to the Joint Standing Committee on Health and Human Services by October 1, 2003.

Enacted Law Summary

Resolve 2003, chapter 64 directs the Department of Human Services to review MaineCare procedures applicable to the drug utilization review committee, to open those procedures to the public to the extent possible and to report to the Joint Standing Committee on Health and Human Services by October 1, 2003.

LD 1291 An Act To Establish a System of Advocacy and Oversight To Benefit Persons with Mental Retardation and Autism CARRIED OVER

<u>Sponsor(s)</u> MARTIN		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1291 proposes to repeal and reestablish the Consumer Advisory Board that was established by the community consent decree. It proposes to extend the responsibilities of the board to serve individuals who are clients of the