

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
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on Health and Human Services

LD 1314

An Act To Improve Out-of-home Abuse and Neglect Investigations

PUBLIC 399

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE BRENNAN	OTP-AM	H-459

LD 1314 proposed to make changes to the laws governing out-of-home abuse and neglect. It proposed to allocate the provisions to a different subtitle in the Maine Revised Statutes, Title 22. It proposed to provide definitions of "institutional abuse," "institutional neglect" and "abuse or neglect by an individual" and to add to the duties of the out-of-home abuse and neglect investigations unit, formerly referred to as "the team." It proposed to require the unit to initiate an investigation within 48 hours when a report alleging jeopardy to children has been made. It proposed to require findings of abuse or neglect under this portion of law to be subject to due process requirements. It proposed to authorize increased assistance for the investigations unit in conducting out-of-home investigations and require the investigations unit to make a report of facts in all investigations within 6 months. It proposed to require representation by and participation of the Office of the Attorney General in certain licensing or investigatory actions. Finally, it proposed to require that testimony from children in actions pursuant to this law be conducted in accordance with the Child and Family Services and Child Protection Act.

Committee Amendment "A" (H-459) proposed to replace the bill. The amendment proposed to require the Department of Human Services' out-of-home abuse and neglect investigating team to initiate an investigation within 72 hours or request a safety plan when a report alleging jeopardy to a child in a residential care facility has been made. It proposed to require the team to complete investigations within 6 months, except in circumstances when the information needed to complete the investigation is unavailable. The amendment also proposed to require the team, in its investigative report, to specify whether the allegations have been substantiated and identify the responsible party. Finally, the amendment proposed to require findings of out-of-home abuse and neglect to be subject to the due process requirements of the Maine Administrative Procedures Act. The amendment proposed to add a fiscal note to the bill.

Enacted Law Summary

Public Law 2003, chapter 399 requires the Department of Human Services' out-of-home abuse and neglect investigating team to initiate an investigation within 72 hours or request a safety plan when a report alleging jeopardy to a child in a residential care facility has been made. It requires the team to complete investigations within 6 months, except in circumstances when the information needed to complete the investigation is unavailable. The law also requires the team, in its investigative report, to specify whether the allegations have been substantiated and identify the responsible party. Finally, the law specifies that findings of out-of-home abuse and neglect are subject to the due process requirements of the Maine Administrative Procedures Act.