

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
Health and Human Services*

May 2004

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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
Second Regular Session and
Second Special 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/billsumm.htm).

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:

- CON RES XXX..... Chapter # of Constitutional Resolution passed by both Houses
- CONF CMTE UNABLE TO AGREE Committee of Conference unable to agree; bill died
- DIED BETWEEN BODIES..... House & Senate disagree; bill died
- DIED IN CONCURRENCE..... One body accepts ONTP report; the other indefinitely postpones the bill
- DIED ON ADJOURNMENT..... Action incomplete when session ended; bill died
- EMERGENCY Enacted law takes effect sooner than 90 days
- FAILED EMERGENCY ENACTMENT/FINAL PASSAGE..... Emergency bill failed to get 2/3 vote
- FAILED ENACTMENT/FINAL PASSAGE..... Bill failed to get majority vote
- FAILED MANDATE ENACTMENT Bill imposing local mandate failed to get 2/3 vote
- NOT PROPERLY BEFORE THE BODY Ruled out of order by the presiding officers; bill died
- INDEF PP Bill Indefinitely Postponed
- ONTP..... Ought Not To Pass report accepted
- OTP-ND Committee report Ought To Pass In New Draft
- P&S XXX..... Chapter # of enacted Private & Special Law
- PASSED..... Joint Order passed in both bodies
- PUBLIC XXX..... Chapter # of enacted Public Law
- RESOLVE XXX..... Chapter # of finally passed Resolve
- UNSIGNED..... Bill held by Governor
- VETO SUSTAINED Legislature failed to override Governor's Veto

Please note that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is April 30, 2004; and non-emergency legislation enacted in the Second Special Session is July 30, 2004. Four bills (LD's 1572, 1629, 1636 and 1637) that were considered at the First Special Session in August 2003 are also included in these summaries.

David C. Elliott, Director
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on Health and Human Services

LD 1127 **An Act To Require Fire-safe Cigarettes in the State** **ONTP**

<u>Sponsor(s)</u> BULL EDMONDS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1127 proposed to provide that, beginning January 1, 2004, only cigarettes that meet the standards of fire-safe cigarettes as established by the State Fire Marshal may be offered for sale in this State.

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

<u>Sponsor(s)</u> MARTIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1291 proposed to repeal and reestablish the Consumer Advisory Board that was established by the community consent decree for persons with mental retardation or autism. The bill proposed to extend the responsibilities of the board to serve individuals who are clients of the Department of Behavioral and Developmental Services but not members of the class covered by the community consent decree. It also proposed to amend the duties of the Department of Behavioral and Developmental Services, Office of Advocacy and to require the board and the office to work cooperatively with each other.

LD 1341 **Resolve, Directing the Department of Human Services To Adopt Rules To Reduce Regulatory Burdens on Home Health Agencies while Maintaining Budget Neutrality** **RESOLVE 109 EMERGENCY**

<u>Sponsor(s)</u> KANE EDMONDS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-695
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LD 1341 proposed to direct the Department of Human Services to amend the rules regarding medical assessment for long-term care services reimbursed under the MaineCare program as they pertain to assessments for home health care services in order to streamline the process, eliminate unnecessary regulatory burdens and utilize appropriate assessment mechanisms being used for other purposes or programs. The rules were proposed to be designated as routine technical rules.

Committee Amendment "A" (H-695) proposed to add emergency language to the resolve. It proposed to direct the Department of Human Services to adopt rules regarding medical assessment for home health care services under Rule Chapter 101, the MaineCare Benefits Manual, Ch. II - Section 40. The rules were proposed to allow the initial assessment period to move from no less than 60 days to no more than 120 days. The amendment proposed that the rule must be cost neutral. The amendment proposed to require a report by April 1, 2005. The amendment also proposed to change the title.

Joint Standing Committee on Health and Human Services

Enacted Law Summary

Resolve 2003, chapter 109 directs the Department of Human Services to adopt rules regarding medical assessment for home health care services under Rule Chapter 101, the MaineCare Benefits Manual, Ch. II - Section 40. The rules may move the initial assessment period from no less than 60 days to no more than 120 days. The resulting rule must be cost neutral. The law requires a report by April 1, 2005 to the Health and Human Services Committee.

Resolve 2003, chapter 109 was enacted as an emergency measure, effective March 10, 2004.

LD 1563

An Act Regarding Standard Contracts for Assisted Living Services

PUBLIC 546

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE WESTON	OTP	

LD 1563 proposed to provide that a contract or agreement for assisted living services must contain the provisions designated as required in the standardized contract adopted by the Department of Human Services by rule pursuant to Public Law 1999, chapter 731, Part BBBB, section 5 and that it may contain other provisions that do not violate a state law or rule or federal law or regulation.

Enacted Law Summary

Public Law 2003, chapter 546 provides that a contract or agreement for assisted living services must contain the provisions designated as required in the standardized contract adopted by the Department of Human Services by rule pursuant to Public Law 1999, chapter 731, Part BBBB, section 5 and may contain other provisions that do not violate a state law or rule or federal law or regulation.

LD 1621

An Act To Amend the Structure of the Office of Advocacy

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN KANE	ONTP MAJ OTP MIN	

LD 1621 proposed to amend the structure and administration of the Office of Advocacy in the Department of Behavioral and Developmental Services. The bill proposed to require the Office of Advocacy to provide adult protective services as described in the Maine Revised Statutes, Title 22, section 3473. The bill also proposed to create the position of Director and eliminate the position of Chief Advocate within the Office of Advocacy. The bill proposed to require the department to study the effectiveness of the amended structure of the office and to submit its recommendations to the Joint Standing Committee on Health and Human Services by July 1, 2004.