

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
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Joint Standing Committee on Health and Human Services

resolving disagreements and corrects outdated language. It requires rulemaking to define the ownership and control relationships that apply in MaineCare offset situations. It requires a report from the Department of Human Services and the Department of Behavioral and Developmental Services on recommendations regarding complaint resolution and the hearing process.

LD 1364 **Resolve, Regarding Opportunities To Decrease the Occurrence of** **RESOLVE 69**
Developmental Disabilities and Mental Health Challenges in
Childhood

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LERMAN	OTP-AM	H-467

LD 1364 proposed to establish the Commission to Identify the Opportunities to Decrease the Occurrence of Developmental Disabilities and Childhood Mental Health Challenges. It proposed to require the commission to submit a report to the Joint Standing Committee on Health and Human Services and the Legislative Council by January 15, 2004 and to authorize the commission and to introduce legislation. It also proposed to authorize the committee to report out legislation following receipt and review of the report.

Committee Amendment "A" (H-467) proposed to replace the resolve. The amendment proposed to authorize the Maine Developmental Disabilities Council to submit a report and recommendations to the Joint Standing Committee on Health and Human Services based on the results of the project it is undertaking to identify opportunities to decrease the occurrence of developmental disabilities and mental health challenges in childhood. The amendment proposed to authorize the committee to report out legislation to the Second Regular Session of the 121st Legislature based on the council's recommendations. The amendment proposed to add a fiscal note to the resolve.

Enacted Law Summary

Resolve 2003, chapter 69 authorizes the Maine Developmental Disabilities Council to submit a report and recommendations to the Joint Standing Committee on Health and Human Services based on the results of the project it is undertaking to identify opportunities to decrease the occurrence of developmental disabilities and mental health challenges in childhood. The resolve authorizes the committee to report out legislation to the Second Regular Session of the 121st Legislature based on the council's recommendations.

LD 1477 **An Act To Amend the Laws with Regard to Legislative Reports on** **PUBLIC 367**
Children's Mental Health Services

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

LD 1477 proposed to reduce the number of reports on children's mental health services that the Department of Behavioral and Developmental Services is required to make to the Joint Standing Committee on Health and Human Services and the Children's Mental Health Oversight Committee from 2 per year to 1 per year.

Joint Standing Committee on Health and Human Services

Enacted Law Summary

Public Law 2003, chapter 367 reduces the number of reports on children's mental health services that the Department of Behavioral and Developmental Services is required to make to the Joint Standing Committee on Health and Human Services and the Children's Mental Health Oversight Committee from 2 per year to 1 per year.

LD 1478 **An Act To Change the Membership of the Review Team for
Aversive Behavior Modifications and Safety Devices for Persons
with Mental Retardation or Autism** **PUBLIC 368**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN BRENNAN	OTP-AM	H-411

LD 1478 proposed to change the membership of the team required to review aversive behavior modification techniques proposed as treatment for an individual with mental retardation or autism by removing the chief administrator and the representative of the program or facility proposing to use the technique.

Committee Amendment "A" (H-411) proposed to add a provision to the bill to change the membership of the team required to review the use of devices that reduce or inhibit the movement of an individual with mental retardation or autism. The amendment proposed to remove the chief administrator and the representative of the program or facility from the review team. This would make the review team for safety devices the same as the review team for aversive behavior modifications as provided in the bill.

Enacted Law Summary

Public Law 2003, chapter 368, changes the membership of the team required to review aversive behavior modification techniques proposed as treatment for an individual with mental retardation or autism by removing from the team the chief administrator and the representative of the program or facility proposing to use the technique. The law makes the same change to the membership of the team required to review the use of devices that reduce or inhibit the movement of an individual with mental retardation or autism.

LD 1480 **An Act To Change the Time Requirement for Mental Retardation
Evaluations** **PUBLIC 388**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WALCOTT	OTP-AM MAJ ONTP MIN	H-471

LD 1480 proposed to change the amount of time that the Department of Behavioral and Developmental Services has to obtain a comprehensive evaluation of an applicant for mental retardation services from 30 days to 60 days.

Committee Amendment "A" (H-471) proposed to replace the bill. The amendment proposed to change the amount of time that the Department of Behavioral and Developmental Services has to obtain a comprehensive evaluation of an applicant for mental retardation services from 30 days to 90 days. The amendment proposed to