

# 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](http://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 2<sup>nd</sup> 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 &amp; 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&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; 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*

**LD 1597**

**An Act To Implement Federal Requirements in Child Protection Matters**

**PUBLIC 408**

<u>Sponsor(s)</u> BRENNAN KANE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-221
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LD 1597 proposed to amend the laws governing cases in which a court orders the removal of a child from a home. It also proposed to amend the laws governing court review of cases in which a court has made a jeopardy order and the laws governing when the Department of Human Services must file a termination petition.

**Committee Amendment "A" (S-221)** proposed to correct 2 errors in the bill regarding aggravating factors. It proposed to provide for written findings when an order is entered by agreement of the parties. It proposed to correct an error regarding a court determination of the safe return of a child. It proposed to add a statement of intent regarding youth services and the intention of the Legislature that children and their families be served in their homes and communities.

*Enacted Law Summary*

Public Law 2003, chapter 408 amends the laws governing cases in which a court orders the removal of a child from a home. It also amends the laws governing court review of cases in which a court has made a jeopardy order and the laws governing when the Department of Human Services must file a termination petition. It states the policy of the State that children and their families be served in their homes and communities.

**LD 1602**

**An Act To Revise and Amend Certain Public Health Laws**

**PUBLIC 421**

<u>Sponsor(s)</u> KANE WESTON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-505
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LD 1602 proposed to define columbarium and community mausoleum. It also proposed to insert the word "community" to distinguish between the burial of dead human remains in a community mausoleum or other structure and the burial of dead human remains in a privately owned or family mausoleum. It proposed to amend the cancer registry laws to call for reporting certain benign tumors and to extend certain reporting deadlines. It proposed to amend the childhood lead poisoning laws to achieve consistency with the day care statutes and to achieve internal consistency of the law.

**Committee Amendment "A" (H-505)** proposed to limit family mausoleums to no more than 6 crypts. It also proposed to clarify that the Lead Poisoning Control Act applies to home day care providers.

*Enacted Law Summary*

Public Law 2003, chapter 421 defines columbarium and community mausoleum. It also inserts the word "community" to distinguish between the burial of dead human remains in a community mausoleum or other

*Joint Standing Committee on Health and Human Services*

structure and the burial of dead human remains in a privately owned or family mausoleum, which is limited to six or fewer crypts.

This law amends the cancer registry laws to call for reporting certain benign tumors and to extend certain reporting deadlines and amends the childhood lead poisoning laws.

**LD 1607**                      **An Act To Implement Regulatory Reforms and To Address Staffing Issues in Long-term Care Facilities**                      **PUBLIC 416 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL MARTIN	OTP-AM	H-525

LD 1607 proposed to do the following.

1. Clarify shared staffing in multilevel facilities.
2. Direct the State Board of Nursing to adopt rules establishing 2 levels of certified nursing assistants, Certified Nursing Assistant Level I and Certified Nursing Assistant Level II, for employment in long-term care and residential care facilities.
3. Modify the needs assessment processes for long-term care services. It proposed to allow reassessments to be performed by hospital social workers and discharge planners, the Department of Human Services or its designee and long-term care facilities. It proposed to modify requirements governing periodic reassessments and require the Department of Human Services to make further adjustments to the minimum data set forms and to its assessment mechanism.
4. Require the Department of Human Services, in consultation with the Maine Health Care Association, the State Board of Nursing and the long-term care ombudsman program, to carry out a study of various reforms to licensing and inspection processes and to make recommendations for improvements.
5. Modify the rules governing certificates of need for nursing facilities regarding square footage and replacement costs for equipment.
6. Direct the Nursing Home Administrators Licensing Board to adopt rules to allow an applicant for licensure as a nursing home administrator to substitute nursing experience for postsecondary education.
7. Require amendment of Department of Human Services rules regarding assessments as they pertain to long-term care home health services.
8. Require the Department of Human Services to form a working group including the Maine Health Care Association, the long-term care ombudsman program and Maine Alzheimer's Association to study criteria and procedures for assessing cognitive abilities and needs of persons potentially requiring long-term health care services.