

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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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.

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Committee Amendment "A" (H-525) proposed to amend the shared staffing provision of law, direct the long-term care ombudsman program to study long-term care eligibility assessments and reassessments, direct the State Board of Nursing to study the educational requirements for certified nursing assistants and direct the Nursing

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Home Administrators Licensing Board to study the requirements for nursing home administrators. The amendment proposed to add members to the group of interested parties who will review improvements to nursing facility inspection activities, delete the amendment of rules on long-term care assessments pertaining to home health care services proposed in the bill and retain the study of assessments for cognitive needs.

Enacted Law Summary

Public Law 2003, chapter 416 amends the shared staffing provision of law, directs the long-term care ombudsman program to study long-term care eligibility assessments and reassessments, directs the State Board of Nursing to study the educational requirements for certified nursing assistants and directs the Nursing Home Administrators Licensing Board to study the requirements for nursing home administrators. The law adds members to the group of interested parties who will review improvements to nursing facility inspection activities and includes a study of assessments for cognitive needs.

Public Law 2003, chapter 416 was enacted as an emergency measure effective June 4, 2003.

LD 1621

An Act To Amend the Structure of the Office of Advocacy

CARRIED OVER

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

LD 1621 proposes to change the structure and administration of the Department of Behavioral and Developmental Services, Office of Advocacy. The bill proposes to require the office to provide adult protective services and to change its name to the Office of Advocacy and Adult Protective Services, accordingly. The bill also proposes to create the position of Director of the Office of Advocacy and Adult Protective Services and to eliminate the position of Chief Advocate. The bill also proposes to require the Department of Behavioral and Developmental Services to study the effectiveness of the organizational changes established by the bill and to report its finding to the Joint Standing Committee on Health and Human Services by July 1, 2004.

LD 1631

An Act To Prevent the Sale of Water Laced with Nicotine in Maine **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN KOFFMAN		

LD 1631 proposes to prohibit the sale or possession of water laced with nicotine in this State and establish a fine of \$500 for a first offense, \$1,000 for a 2nd offense and \$5,000 for a 3rd or subsequent offense.