

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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Members:

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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 1631

An Act To Prohibit the Sale of Water Containing Nicotine

PUBLIC 623

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM MAJ	S-436
KOFFMAN	OTP-AM MIN	

LD 1631 proposed 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.

Committee Amendment "A" (S-436) was the majority report of the committee. The amendment proposed to replace the bill. It proposed to prohibit selling, furnishing or giving away nicotine water, which is water with added nicotine or an alkaloid of nicotine. It proposed to reorganize the penalty provisions from the bill.

Enacted Law Summary

Public Law 2003, chapter 623 prohibits selling, furnishing or giving away nicotine water, which is water with added nicotine or an alkaloid of nicotine. It specifies fines of \$500 for a first offense, \$1,000 for a second offense and \$5,000 for a third or subsequent offense.

LD 1640

An Act To Provide Accurate Vital Records for Adults in Maine

PUBLIC 585

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRUNO	OTP-AM	H-739

LD 1640 proposed to require the State Registrar of Vital Statistics to amend a birth certificate to reflect the identity of the biological parent of the subject of the birth certificate when the state registrar receives proof based on testing of deoxyribonucleic acid, DNA, that a person is a biological parent of the subject of the certificate of birth and receives written consent from that biological parent.

Committee Amendment "A" (H-739) proposed to replace the bill. The amendment proposed to retain the provision of the bill that authorizes the State Registrar of Vital Statistics to amend a birth certificate to include identification of a biological parent whose parentage is based on the results of DNA testing. The amendment proposed to clarify that this authorization applies only to the birth certificates of persons 18 years of age or older. The amendment proposed to retain the provision of the bill that requires written consent of the biological parent to be named on the amended birth certificate. The amendment also proposed to add the following requirements for obtaining an amended birth certificate: notarized consent of the biological parent and the subject of the birth certificate; notarized DNA testing results; notarized documentation of the chain of custody of the samples used in DNA testing; and DNA testing of a type generally acknowledged as reliable conducted by a laboratory approved by a federally designated accreditation body.

Enacted Law Summary

Public Law 2003, chapter 585 authorizes the State Registrar of Vital Statistics to amend a birth certificate to include identification of a biological parent whose parentage is based on the results of DNA testing. The law specifies that this authorization applies only to the birth certificates of persons 18 years of age or older. The law

Joint Standing Committee on Health and Human Services

specifies the following requirements for obtaining an amended birth certificate: notarized written consent of the biological parent and the subject of the birth certificate; notarized DNA testing results; notarized documentation of the chain of custody of the samples used in DNA testing; and DNA testing of a type generally acknowledged as reliable conducted by a laboratory approved by a federally designated accreditation body.

LD 1641 **An Act To Require That Rules Pertaining to Reimbursement for Services for Child Development Services Be Major Substantive Rules** **ONTP**

<u>Sponsor(s)</u> CRAVEN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1641 proposed to require that rules adopted by the Commissioner of Education pertaining to reimbursement to providers of child development services to children and families under the Maine Revised Statutes, Title 20-A, chapter 307-A be major substantive rules.

LD 1642 **An Act To Provide an Exemption to the Laws Governing Patient Confidentiality Regarding Certain Former Patients of the State Mental Institutions** **PUBLIC 563**

<u>Sponsor(s)</u> BRANNIGAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-719
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LD 1642 proposed to provide an exception to the laws governing patient confidentiality to allow the names of patients who died at the Augusta Mental Health Institute to be made available to the public.

Committee Amendment "A" (H-719) proposed to expand the bill to cover patients who died at the Bangor Mental Health Institute and the Riverview Psychiatric Center, in addition to patients who died at the Augusta Mental Health Institute. The amendment also proposed to allow the date of death, in addition to the patient's name, to be made available to the public. The amendment proposed to add a requirement that the Department of Behavioral and Developmental Services adopt rules to govern the release of information regarding patients who died at the above-named institutions. The amendment also proposed to require the department to notify the public about the release of information and to maintain the confidentiality of information relating to a person whose surviving relatives object to disclosure.

Enacted Law Summary

Public Law 2003, chapter 563 provides an exception to the laws governing patient confidentiality to allow the names and date of death of patients who died at the Augusta Mental Health Institute, Bangor Mental Health Institute and the Riverview Psychiatric Center to be made available to the public. The law requires the Department of Behavioral and Developmental Services to adopt rules to govern the release of information regarding patients who died at the above-named institutions. It also requires the department to notify the public about the release of information and to maintain the confidentiality of information relating to a person whose surviving relatives object to public disclosure.