

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on
Health and Human Services*

August 2005

Staff:

*Jane Orbeton, Senior Analyst
Lucia Nixon, Legislative Analyst
Patrick Norton, Deputy Director*

*Office of Policy and Legal Analysis
13 State House Station
Augusta, ME 04333
(207) 287-1670*

Members:

*Sen. Arthur F. Mayo III, Chair
Sen. John L. Martin
Sen. Richard W. Rosen*

*Rep. Hannah Pingree, Chair
Rep. William R. Walcott
Rep. Carol A. Grose
Rep. Richard J. Burns
Rep. Elizabeth S. Miller
Rep. David C. Webster
Rep. Thomas F. Shields
Rep. James J. Campbell, Sr.
Rep. Sarah O. Lewin
Rep. Kevin J. Glynn
Rep. Michael Sockalexis*



Maine State Legislature

OFFICE OF POLICY & LEGAL ANALYSIS

13 State House Station, Room 215 Cross State Office Building
Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 organized by committees 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. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included 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:

- CARRIED OVER Bill Carried Over to Second Regular Session
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
OTP ND/NT..... Committee report Ought To Pass In New Draft/New Title
P&S XXX..... Chapter # of enacted Private & Special Law
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 the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

Joint Standing Committee on Health and Human Services

LD 839

Resolve, To Alleviate the Negative Impact of Certain Taxes on Hospitals and Private Nonmedical Institutions

**RESOLVE 45
EMERGENCY**

Sponsor(s)
ANDREWS
KAELIN

Committee Report
OTP-AM

Amendments Adopted
S-180

LD 839 proposed to exempt from the tax imposed on hospitals of 2.23% of net operating revenue those hospitals that are acute care, noncritical access hospitals with fewer than 70 licensed beds and MaineCare revenue representing less than 7% of gross patient services revenue.

Enacted law summary

Resolve 2005, chapter 45 directs the Department of Health and Human Services and the Governor's Office of Health Policy and Finance to review the impact of the hospital tax and private nonmedical institution portion of the service provider tax on hospitals and private nonmedical institutions with the goal of alleviating the negative impact on those facilities. The resolve requires a report to the Joint Standing Committee on Health and Human Services by September 1, 2005.

Resolve 2005, chapter 45 was finally passed as an emergency measure effective May 25, 2005.

LD 846

An Act To Prevent Discrimination against Persons without Health Insurance CARRIED OVER

Sponsor(s)
LERMAN

Committee Report

Amendments Adopted

Beginning January 1, 2006, LD 846 proposed to limit a hospital licensed under the Maine Revised Statutes, Title 22, chapter 405 in the amount the hospital may bill a person who has been served in an inpatient or outpatient capacity and who does not have health insurance or other health coverage. The limit would be 150% of the reimbursement rate provided by the MaineCare program for the same inpatient or outpatient service.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 863

Resolve, To Develop a Comprehensive Plan for Service Reforms and System Improvements Regarding Children's Services Provided by the Department of Health and Human Services

RESOLVE 108

Sponsor(s)
CRAVEN
MAYO

Committee Report
OTP-AM

Amendments Adopted
H-610

LD 863 proposed to require the Department of Health and Human Services to deliver services to children based on a wraparound model of care and indicate the amount of funding expended for services to children based on the

Joint Standing Committee on Health and Human Services

wraparound funding model. It also proposed to require the department to submit a demonstration waiver application by October 1, 2005 to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to establish a wraparound funding demonstration pilot in 3 areas of the State.

Enacted law summary

Resolve 2005, chapter 108 requires the Department of Health and Human Services to develop a comprehensive plan for service reforms and system improvements regarding children's services provided by the department and to submit that plan to the Joint Standing Committee on Health and Human Services and the Children's Mental Health Oversight Committee by January 3, 2006. The department must develop the plan in collaboration with consumers, families, providers and advocates. The plan must address, at a minimum, children's services delivery structures, financing of these services, quality assurance and quality improvement strategies as part of the management of the system and must include certain components and must address system values and standards, reform and system improvement, complex multisystem needs, system readiness and a plan for implementation.

LD 885

An Act To Discourage Further the Sale of Tobacco to Minors

PUBLIC 223

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TURNER	OTP-AM MAJ ONTP MIN	S-172

LD 885 proposed to prohibit minors from entering tobacco specialty shops, to impose the same restrictions on who may sell tobacco products in retail establishments as are currently imposed for the retail sale of alcohol, to redirect revenue from fines assessed by the courts for underage tobacco sales from the Criminal Justice Academy to the Office of the Attorney General and to correct an accounting inconsistency created when retail tobacco license fees were redirected to the General Fund in 2004.

Enacted law summary

Public Law 2005, chapter 223 prohibits minors from entering tobacco specialty shops, imposes the same restrictions on who may sell tobacco products in retail establishments as are currently imposed for the retail sale of alcohol, redirects revenue from fines assessed by the courts for underage tobacco sales from the Criminal Justice Academy to the Office of the Attorney General and corrects an accounting inconsistency created when retail tobacco license fees were redirected to the General Fund in 2004. The law specifies that a person under 18 years of age is permitted to enter a tobacco specialty store if accompanied by a parent or legal guardian.

LD 886

An Act To Promote Parity in the Laws Governing Smoking in the Workplace

PUBLIC 338

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TURNER	OTP-AM	S-261

LD 886 proposed to clarify that enclosed areas of workplaces that are open to the public are governed by the public places smoking laws; increase the range of fines that may be imposed for violation of the Workplace