

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on
Health and Human Services*

August 2005

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Maine State Legislature

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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 1186

An Act To Clarify the Smoking Ban for Off-track Betting Facilities

PUBLIC 362

| | | |
|-----------------------------|---|------------------------------------|
| <u>Sponsor(s)</u> HOTHAM | <u>Committee Report</u> ONTP MAJ OTP-AM MIN | <u>Amendments Adopted</u> H-528 |
|-----------------------------|---|------------------------------------|

LD 1186 proposed to clarify the ban on smoking in off-track betting and simulcast racing facilities licensed after June 30, 2003, allowing existing facilities to move or be sold and without losing their exemption from the smoking ban.

Enacted law summary

Public Law 2005, chapter 362 clarifies the ban on smoking in off-track betting and simulcast racing facilities licensed after June 30, 2003, allowing existing facilities to move or be sold without losing their exemption from the smoking ban. The law allows off-track betting facilities and simulcast racing facilities that were in operation on June 30, 2003 to be purchased or moved to a new location within the same municipality without losing their exemption from the laws prohibiting smoking in public places. The law places limits on the size of the smoking area in the newly purchased or relocated off-track betting or simulcast racing facilities, prohibits slot machines in those facilities and requires that the off-track betting or simulcast racing facility be in a separately enclosed area.

LD 1206

Resolve, To Fund a Group Home for Young Adults with Disabilities in Southern Maine

ONTP

| | | |
|---|---------------------------------|---------------------------|
| <u>Sponsor(s)</u> HOBBINS MERRILL | <u>Committee Report</u> ONTP | <u>Amendments Adopted</u> |
|---|---------------------------------|---------------------------|

LD 1206 proposed to direct the Department of Health and Human Services to establish a facility in southern Maine to serve as a residential facility for young adults who are in need of continuous care to treat their physical disabilities and who would otherwise be eligible for treatment in a nursing facility. The resolve proposed to direct the department to seek to establish and operate this facility within existing resources but authorizes the department to seek an appropriation should existing resources not be sufficient. It further proposed to direct the department to report on the status of the residential facility, its costs and the extent to which it can be used as a model to develop additional community placements for disabled individuals.

LD 1208

Resolve, Regarding the Prevention of Suicide

CARRIED OVER

| | | |
|--|-------------------------|------------------------------------|
| <u>Sponsor(s)</u> SCHNEIDER MILLER | <u>Committee Report</u> | <u>Amendments Adopted</u> S-308 |
|--|-------------------------|------------------------------------|

LD 1208 proposed to establish a working group to study the high rate of suicide in Maine. The working group would submit its report to the Joint Standing Committee on Health and Human Services by December 7, 2005.

Joint Standing Committee on Health and Human Services

This bill was carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature.

LD 1228 **An Act To Create Consistency in the Regulation of Small Group Homes** **ONTP**

| | | | | |
|-----------------------------|--|---------------------------------|--|---------------------------|
| <u>Sponsor(s)</u> LERMAN | | <u>Committee Report</u> ONTP | | <u>Amendments Adopted</u> |
|-----------------------------|--|---------------------------------|--|---------------------------|

LD 1228 proposed to amend the number of beds a residential care facility and a children's home must have for fire safety purposes to make the inspection standards consistent between residential care facilities and children's homes.

LD 1270 **Resolve, To Increase Prospective Interim Payments to Certain Rural Hospitals** **ONTP**

| | | | | |
|---------------------------------------|--|---------------------------------|--|---------------------------|
| <u>Sponsor(s)</u> DAMON PINGREE | | <u>Committee Report</u> ONTP | | <u>Amendments Adopted</u> |
|---------------------------------------|--|---------------------------------|--|---------------------------|

LD 1270 proposed to direct the Department of Health and Human Services to study the prospective interim payments payable to hospitals and to increase those payments to rural hospitals that provide high-quality care, implement cost-control initiatives and are adversely affected by new financial policies.

LD 1284 **Resolve, Regarding Increased Reimbursement for Physicians Caring for MaineCare Members** **RESOLVE 104**

| | | | | |
|--|--|-----------------------------------|--|------------------------------------|
| <u>Sponsor(s)</u> MARRACHE SNOWE-MELLO | | <u>Committee Report</u> OTP-AM | | <u>Amendments Adopted</u> H-569 |
|--|--|-----------------------------------|--|------------------------------------|

LD 1284 proposed to require the Department of Health and Human Services to adopt major substantive rules that establish a MaineCare reimbursement schedule that provides a greater rate of MaineCare reimbursement to physicians in private practice who have a high ratio of patients who are MaineCare recipients. The schedule would provide for a higher rate of MaineCare reimbursement if the physician is located in a rural area of the State.

Enacted law summary