

# MAINE STATE LEGISLATURE

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*State Of Maine  
122nd Legislature*

*Second Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Health and Human Services*

*July 2006*

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# Maine State Legislature



## Office of Policy and Legal Analysis Office of Fiscal and Program Review

### 122nd Maine Legislature Second 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 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](http://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 (Pocket Veto).....	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 August 23, 2006.

## *Joint Standing Committee on Health and Human Services*

**Committee Amendment “A” (H-934)** proposed to replace the concept draft, to change the legislation from an Act to a Resolve, and to change the title of the bill. The amendment proposed to create a 12-member work group charged with examining the Certificate of Need program, identifying improvements and making recommendations for changes in law or rule. It proposed to require the Department of Health and Human Services to provide a background report to the work group by August 10, 2006. The amendment also proposed to require the work group to submit a report that would include its findings and recommendations, including suggested legislation, for presentation to the First Regular Session of the 123rd Legislature by November 1, 2006.

**LD 1839**                      **An Act To Clarify the Accountability of Advanced Practice Registered Nurses**                      **ONTP**

<u>Sponsor(s)</u> PERRY A		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1839 proposed to amend the laws governing advanced practice registered nursing by clarifying the accountability of advanced practice registered nurses and by defining certain terms that applied to advanced practice registered nursing.

**LD 1848**                      **An Act To Maintain Prescription Drug Benefits for Senior Citizens and People with Disabilities**                      **ONTP**

<u>Sponsor(s)</u> PINGREE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1848 proposed to require the Department of Health and Human Services to maintain the level of benefits and co-payment requirements and structure in effect on December 30, 2005 for enrollees in the MaineCare and the elderly low-cost drug programs who were enrolled during 2005 and who were eligible for benefits under Medicare Part D. This bill would have applied retroactively to January 1, 2006. See Part AAA of PL 2005, chapter 519.

**LD 1852**                      **An Act To Amend the Laws Governing Permanency Guardians**                      **PUBLIC 521**

<u>Sponsor(s)</u> PINGREE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-817
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LD 1852 proposed to provide that a permanency guardian's resources and income are not counted in determining eligibility for any public benefit to which the child who is the subject of the guardianship may be entitled. It also proposed to provide that the District Court may appoint a permanency guardian in a proceeding pending on September 17, 2005 or commenced on or after September 17, 2005, which is the effective date of the law governing permanency guardians. It also proposed to provide that the Department of Health and Human Services may provide a guardianship subsidy to a child who is the subject of a child protection proceeding pending on September 17, 2005 or commenced on or after that date.

## *Joint Standing Committee on Health and Human Services*

**Committee Amendment “A” (H-817)** proposed to clarify that the guardianship subsidy will not be counted as resources or income for eligibility for public benefits for the child except as required by federal law or regulation and insert the federal exception into the law on eligibility for benefits for the guardian.

### *Enacted law summary*

Public Law 2005, chapter 521 provides that a permanency guardian's resources and income are not counted in determining eligibility for any public benefit to which the child who is the subject of the guardianship may be entitled. It specifies that the guardianship subsidy will not be counted as resources or income for eligibility for public benefits for the child except as required by federal law or regulation and inserts the federal exception into the law on eligibility for benefits for the guardian. It also provides that the District Court may appoint a permanency guardian in a proceeding pending on September 17, 2005 or commenced on or after September 17, 2005, which is the effective date of the law governing permanency guardians. It also provides that the Department of Health and Human Services may provide a guardianship subsidy to a child who is the subject of a child protection proceeding pending on September 17, 2005 or commenced on or after that date.

**LD 1854**

**An Act To Expand the Alternative Aid Program**

**PUBLIC 522**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WEBSTER MAYO	OTP-AM	H-820

LD 1854 proposed to increase the availability of alternative aid assistance under the Temporary Assistance for Needy Families program from a once-in-a-lifetime benefit to an annual benefit in order to assist families who seek short-term assistance to obtain or retain employment.

**Committee Amendment “A” (H-820)** proposed to increase the availability of alternative aid assistance under the Temporary Assistance for Needy Families (TANF) program from a benefit available once-in-a-lifetime to an annual benefit. The amendment proposed that eligible applicants would be able to receive alternative aid assistance once during any 12-month period in order to obtain or retain employment instead of receiving monthly TANF payments. The amendment also proposed to clarify that the eligibility criteria is set forth in the department’s current rules and the value of the aid cannot exceed 3 times the value of monthly TANF benefit for which the applicant's family is eligible.

### *Enacted law summary*

Public Law 2005, chapter 522 increases the availability of alternative aid assistance under the Temporary Assistance for Needy Families (TANF) program from a benefit available once-in-a-lifetime to a benefit that can be accessed annually. Under the law, eligible applicants may receive alternative aid assistance once during any 12-month period in order to obtain or retain employment instead of receiving monthly TANF payments. The law also clarifies that the eligibility criteria is set forth in the department’s rules and the value of the aid cannot exceed 3 times the value of monthly TANF benefit for which the applicant's family is eligible.