

# 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

**House Amendment “A” to Committee Amendment “A” (H-884)** proposed to clarify that the routine technical rulemaking procedures apply only to the changes required by this bill and that the rule changes be completed by October 1, 2006.

### *Enacted law summary*

Public Law 2005, chapter 530 updates terminology and definitions related to child care facilities and family child care in the Department of Health and Human Services' licensing and certification statutes. It repeals the requirement that the department distribute a brochure explaining the difference between home day care and home baby-sitting services, adds family child care providers to the group of child care providers that must comply with lead hazard screening requirements and clarifies the circumstances under which a provider is not required to be certified. It also specifies that routine technical rulemaking procedures apply only to the changes required by this law and requires that the rule changes be completed by October 1, 2006.

**LD 1901**

**An Act To Amend the Law Regarding Smoking in Private Clubs**

**PUBLIC 581**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GROSE	OTP-AM	H-830 S-537 MAYO

LD 1901 proposed to amend the law that allows smoking in private clubs if a majority of members votes to allow smoking by changing the voting requirement to a majority of ballots received.

**Committee Amendment “A” (H-830)** proposed to allow smoking in qualifying clubs if a majority of all valid ballots cast by members and received by a qualifying club are in favor of smoking. This is a change from current law, which in order to allow smoking requires a vote in favor of smoking by a majority of all members. The amendment proposed to set certain standards for the vote, including a 30-day notice, absentee ballots and notification to the Maine Center for Disease Control and Prevention. The amendment proposed to provide for a transition for qualifying clubs that have satisfied current law. The amendment proposed to direct the Maine Center for Disease Control and Prevention to adopt rules and designates those rules as major substantive rules. The amendment proposed to provide transition provisions for qualifying clubs that conducted votes in favor of smoking prior to August 1, 2006.

**Senate Amendment “A” (S-537)** proposed to remove the emergency preamble and the emergency clause from the bill.

### *Enacted law summary*

Public Law 2005, chapter 581 amends the law that allows smoking in private clubs if a majority of members votes to allow smoking by changing the voting requirement to a majority of ballots received.

It allows smoking in qualifying clubs if a majority of all valid ballots cast by members and received by a qualifying club are in favor of smoking. This is a change from current law, which in order to allow smoking requires a vote in favor of smoking by a majority of all members. The law sets certain standards for the vote, including a 30-day notice, absentee ballots and notification to the Maine Center for Disease Control and Prevention. The law directs the Maine Center for Disease Control and Prevention to adopt rules and designates

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those rules as major substantive rules. The law provides transition provisions for qualifying clubs that conducted votes in favor of smoking prior to August 1, 2006.

See the Errors Bill, LD 2055, Part F, changing the August dates in the law to September.

**LD 1914                      An Act To Increase Wheelchair Van Services Reimbursement Rates                      P & S 65**

<u>Sponsor(s)</u> TUTTLE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-871 S-687 ROTUNDO
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LD 1914 proposed to direct the Department of Health and Human Services to increase the reimbursement rates for wheelchair van services and provide an appropriation for wheelchair van services under the MaineCare program to prevent a loss to providers of the service.

**Committee Amendment “A” (H-871)** proposed to retain the provisions of the bill that direct the Department of Health and Human Services to increase the reimbursement rates for wheelchair van services. It proposed to add language expressing the intent that this funding increase be provided on an ongoing basis, decrease the appropriation to \$445,000 in fiscal year 2006-07 and add an allocation of federal matching funds.

**Senate Amendment “A” to Committee Amendment “A” (S-687)** proposed to reduce the General Fund appropriation for fiscal year 2006-07 from \$445,000 to \$50,000 and reduce the Federal Expenditures Fund allocation for fiscal year 2006-07 from \$763,582 to \$85,796.

*Enacted law summary*

Private and Special Law 2005, chapter 65 directs the Department of Health and Human Services to increase the reimbursement rates for wheelchair van services. It appropriates from the General Fund for fiscal year 2006-07 \$50,000 and allocates matching federal funds.

**LD 1926                      An Act To Clarify the Workplace Smoking Laws                      DIED BETWEEN BODIES**

<u>Sponsor(s)</u> TURNER	<u>Committee Report</u> ONTP      MAJ OTP        MIN	<u>Amendments Adopted</u>
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LD 1926 proposed to repeal the provisions of the Workplace Smoking Act of 1985, as amended by Public Law 2005, chapter 338, that allowed members of a private club to vote to allow smoking in that club. This bill also proposed to clarify that an employer could not discriminate against a person, including refusing to hire that person, because that person assisted in the supervision or enforcement of the Workplace Smoking Act of 1985.