

# 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  
123<sup>RD</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123<sup>rd</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON HEALTH AND HUMAN SERVICES**

July 2007

**STAFF:**

JANE ORBETON, SENIOR ANALYST  
ELIZABETH F. COOPER, LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670

**MEMBERS:**

SEN. JOSEPH C. BRANNIGAN, CHAIR  
SEN. LISA T. MARRACHE  
SEN. KEVIN L. RAYE

REP. ANNE C. PERRY, CHAIR  
REP. WILLIAM R. WALCOTT  
REP. CAROL A. GROSE  
REP. ELIZABETH S. MILLER  
REP. PAULETTE G. BEAUDOIN  
REP. GARY A. CONNOR  
REP. ROBERT P. WALKER  
REP. JAMES J. CAMPBELL, SR.  
REP. SARAH O. LEWIN  
REP. DONNA W. FINLEY  
REP. DONALD G. SOCTOMAH

# STATE OF MAINE

123<sup>RD</sup> LEGISLATURE

FIRST REGULAR SESSION

## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123<sup>rd</sup> Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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 (or Accepted ONTP report).....           | 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 non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

# Joint Standing Committee on Health and Human Services

## LD 429 An Act To Improve Access to HIV Testing in Health Care Settings

PUBLIC 93

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| MILLER            | OTP-AM                  | H-90                      |

This bill amends HIV testing law by replacing the requirement for obtaining a patient's written informed consent before an HIV test to requiring a test be undertaken only with a patient's knowledge and understanding that an HIV test is planned, by removing the requirement for pretest counseling and by requiring that a positive test result must be confidentially given through personal contact.

### Committee Amendment "A" (H-90)

This amendment adds to the HIV pretest patient information procedures the opportunity for the patient to ask questions and corrects a reference to the person who communicates HIV test results. The amendment integrates certain provisions from LD 568, provisions that correct cross-references and repeal references to required pretest counseling.

### Enacted Law Summary

Public Law 2007, chapter 93 amends the laws on HIV testing. It removes the requirement for pre-test counseling. It replaces the requirement of informed consent with a requirement that the patient know of and understand that an HIV test is being administered. It requires that positive test results be communicated confidentially and through personal contact.

See also LD 568.

## LD 436 An Act To Postpone the Expiration of the Required Nonhospital Expenditures Component in the Capital Investment Fund

PUBLIC 94

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| TURNER            | OTP                     |                           |

This bill postpones by one year the repeal date established in the Dirigo Health laws for setting aside 12.5% of the capital investment fund, the annual limit established for expenditures approved through the certificate of need program, for nonhospital projects.

### Enacted Law Summary

Public Law 2007, chapter 94 postpones by one year the repeal date established in the Dirigo Health laws for setting aside 12.5% of the capital investment fund, the annual limit established for expenditures approved through the certificate of need program, for nonhospital projects.

## LD 467 An Act Regarding the Protection and Advocacy Agency Advisory Council

PUBLIC 87

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| BRANNIGAN         | OTP                     |                           |