

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
123RD LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd 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

123RD 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 123rd 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	

Joint Standing Committee on Health and Human Services

This bill repeals the section of law that requires the advisory council of the protection and advocacy agency for persons with disabilities to file a report with the Secretary of State.

Enacted Law Summary

Public Law 2007, chapter 87 repeals the section of law that requires the advisory council of the protection and advocacy agency for persons with disabilities to file a report with the Secretary of State.

LD 487 An Act Regarding Children in the Child Welfare System ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CANAVAN	ONTP	

This bill requires the Department of Health and Human Services to complete a clinical review upon determination that a child receiving child welfare services requires therapeutic care in a residential or foster care setting or requires other specialized mental health care treatment. It requires the department to assess a child leaving state custody, to evaluate children who have left custody through periodic contact and to collect data on the assessments and make the data available to the public.

LD 500 An Act To Amend the Definition of Health Care Facility To Include Hospice Facilities ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	ONTP	

This bill amends the Maine Health and Higher Educational Facilities Authority Act to authorize the financing of hospice facilities.

See also LD 727.

LD 519 An Act To Provide Assistance to Family Members, Friends and Neighbors Who Provide Home Health Care for Senior Citizens CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL BRANNIGAN		

This bill allows family members, friends or neighbors to receive payment for providing personal care and health maintenance services to persons who receive Medicaid.

This bill was carried over to any special or regular session of the 123rd Legislature by Joint Order, HP 1369.

LD 520 An Act To Ensure Access to MaineCare Services ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAUDOIN MARTIN	ONTP	