

MAINE STATE LEGISLATURE

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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

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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

Enacted Law Summary

Public Law 2007, chapter 46 repeals the provision of M.R.S.A Title 22 that gives the Department of Health and Human Services authority to place children in long-term foster care through agreement with the foster parents or pursuant to a court order as the department has implemented a program of permanency in place of long-term foster care.

**LD 609 Resolve, To Preserve and Support Community Treatment Options for
Children's Behavioral Health Needs**

ONTP

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

This resolve provides a method of assessing children's community behavioral health needs and the services that are being provided. The resolve directs the Department of Health and Human Services to perform 2 assessments and to impose a moratorium on the elimination of children's community behavioral health services until the assessments have been performed and reviewed.

**LD 615 An Act To Authorize the Use of the Department of Health and Human
Services Staff as Hearing Officers**

PUBLIC 80

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

This bill eliminates the prohibition that existed in the former Department of Behavioral and Developmental Services against allowing department employees to serve as hearing examiners in grievances filed by clients receiving adult mental health services, adult mental retardation services or children's behavioral health services. Following the merger of that department with the Department of Health and Human Services, the office of administrative hearings operates separately from the program employees and can fairly and impartially hear these matters.

Enacted Law Summary

Public Law 2007, chapter 80 eliminates the prohibition that existed in the former Department of Behavioral and Developmental Services against allowing department employees to serve as hearing examiners in grievances filed by clients receiving adult mental health services, adult mental retardation services or children's behavioral health services. Following the merger of that department with the Department of Health and Human Services, the office of administrative hearings operates separately from the program employees and can fairly and impartially hear these matters.

LD 650 An Act To Equalize MaineCare Reimbursements to Hospitals

P & S 19

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS J	OTP-AM MAJ ONTP MIN	H-162 S-136 GOOLEY

This bill requires the Department of Health and Human Services to pay hospitals the reimbursements owed for MaineCare services for fiscal years 2003 and earlier prior to paying for later years. The department is required to adopt routine technical rules to pay for services in the manner required by the bill.

Joint Standing Committee on Health and Human Services

Committee Amendment "A" (H-162)

This amendment incorporates a fiscal note.

Senate Amendment "A" (S-136)

This amendment clarifies that the Department of Health and Human Services may provide relief to hospitals with financial hardship, while at the same time prioritizing final settlements for hospital fiscal years 2003 and earlier.

Enacted Law Summary

Private & Special Law 2007, chapter 19 establishes the priority by which hospitals will be paid under MaineCare for years 2003 and earlier and allows the Department of Health and Human Services to provide relief for hospitals experiencing financial hardship.

See also LD 651.

LD 651 An Act To Support Small, Local and Efficient Hospitals

**ACCEPTED ONTP
REPORT**

Sponsor(s)

MILLS J

Committee Report

ONTP MAJ
OTP MIN

Amendments Adopted

This bill requires the Department of Health and Human Services to use a formula that gives first preference to smaller hospitals, sole community providers and hospitals with lower than average operating revenues and higher than average percentages of MaineCare member patients when reimbursing for past MaineCare services for hospital fiscal years 2004 to 2006. The department shall adopt routine technical rules to implement this formula.

See also LD 650.

LD 652 Resolve, To Ensure Appropriate Personal Needs Allowances for Persons Residing in Long-term Care Facilities

CARRIED OVER

Sponsor(s)

BEAUDOIN

Committee Report

Amendments Adopted

H-237

This resolve provides for amending Department of Health and Human Services rules to provide for increases in the personal needs allowances of residents in nursing facilities and residential care facilities from July 1, 2007 and provides for annual increases after July 1, 2008 that are indexed to the Consumer Price Index for medical services. The rules are designated as routine technical rules. This bill was carried over to the Second Regular Session after adoption of Committee Amendment "A" (H-237) in the House and Senate.

Committee Amendment "A" (H-237)

This amendment limits the resolve to increasing the personal needs allowance for residential care facilities residents to \$65 and \$85 per month, with no inflation adjustment. This amendment also adds an appropriations and allocations section.

See also LD 880.