

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

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

LD 703 An Act To Repeal the Tax on Private Nonmedical Institutions

ONTP

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

This bill repeals the 5% service provider tax imposed on private nonmedical institutions.

LD 704 Resolve, Regarding Legislative Review of Portions of MaineCare Benefits Manual, Chapter III, Section 97, Private Non-medical Institution Services, a Major Substantive Rule of the Department of Health and Human Services

RESOLVE 16
EMERGENCY

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

This resolve provides for legislative review of portions of MaineCare Benefits Manual, Chapter III, section 97, Private Non-medical Institution Services, a major substantive rule of the Department of Health and Human Services.

Enacted Law Summary

Resolve 2007, chapter 16 approves major substantive rules regarding licensing of PNMI's.

Resolve 2007, chapter 16 was enacted as an emergency measure effective May 8, 2007.

LD 711 An Act Regarding Notice That Must Be Provided by a Psychiatric Facility Concerning Certain Patients

PUBLIC 89

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRANNIGAN	OTP-AM	S-49

This bill requires that a private psychiatric hospital, psychiatric unit or psychiatric treatment facility notify the protection and advocacy agency for persons with disabilities and provide the agency with access to information whenever an involuntarily admitted patient has died, attempted suicide or sustained a serious injury, which is consistent with the requirements for state mental health institutes.

Committee Amendment "A" (S-49)

This amendment enacts provisions in the law regarding involuntary hospitalization requiring nonstate mental health institutions to provide notice to the Department of Health and Human Services whenever any involuntarily admitted patient has died, attempted suicide or sustained a serious injury. The amendment further requires the department to forward these notices to the federally designated protection and advocacy agency for persons with disabilities.

Enacted Law Summary

Public Law 2007, chapter 89 requires nonstate mental health institutions to notify to the Department of Health and Human Services whenever any involuntarily admitted patient has died, attempted suicide or sustained a

Joint Standing Committee on Health and Human Services

serious injury. It requires the department to forward these notices to the federally designated protection and advocacy agency for persons with disabilities.

LD 722 An Act To Create the Acquired Brain Injury Fund

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN NUTTING J	ONTP	

This bill establishes the Acquired Brain Injury Fund and the Acquired Brain Injury Advisory Council. This bill makes ongoing General Fund appropriations of \$1,400,000 per year for the fund.

LD 723 Resolve, To Promote Chronic Disease Prevention and Care

RESOLVE 36

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A BRANNIGAN	OTP-AM	H-215

This bill requires the Commissioner of Health and Human Services to develop and implement a blueprint for health to address chronic care management and prevention of chronic conditions. The bill requires the commissioner to develop and implement a chronic condition prevention and chronic care management program by January 1, 2009 for the MaineCare population and to extend the educational component of the program by January 1, 2010 for all persons statewide who are at risk of requiring or who require chronic care. The bill directs the commissioner to report to the Legislature each year on the blueprint for health, including recommendations for legislation for implementation and improvement.

Committee Amendment "A" (H-215)

This amendment replaces the bill with a resolve that requires the Department of Health and Human Services and the Advisory Council on Health Systems Development to report to the Joint Standing Committee on Health and Human Services by January 15, 2008 on the promotion of chronic disease prevention and care.

Enacted Law Summary

Resolve 2007, chapter 36 requires the Department of Health and Human Services and the Advisory Council of Health Systems Development to report to the Health and Human Services Committee by January 15, 2008, on the promotion of chronic disease prevention and care.

LD 724 Resolve, To Direct the Department of Health and Human Services To Provide Temporary Assistance for Needy Families Benefits to Certain Guardians of Minors

ONTP

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

This resolve directs the Department of Health and Human Services to amend its rules governing the Temporary Assistance for Needy Families program to provide that a guardian of a minor who is not related to the minor may receive a monthly benefit.