

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

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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

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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

**LD 1371 Resolve, To Study the Impact of Social Services and Corrections Policies
on Homeless People in Maine**

**RESOLVE 131
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNN	OTP-AM MAJ ONTP MIN	H-201

This resolve provides funding for emergency homeless shelters. The resolve establishes the Commission To Study the Funding Issues Regarding Emergency Homeless Shelters. The commission shall submit a report to the Joint Standing Committee on Health and Human Services and to the Legislative Council by December 1, 2007. The commission shall examine the issues concerning affordable housing for the homeless, the causes of and solutions for homelessness, how the money designated for homeless shelters is used and whether the funding formula for distributing funds to the homeless shelters should be amended.

Committee Amendment "A" (H-201)

This amendment replaces the resolve and changes the title. It directs the Statewide Homeless Council to coordinate a study of the connection between the increasing numbers of homeless persons in the State and the existing policies and procedures employed by the Department of Health and Human Services and the Department of Corrections that may affect homeless persons. The study must include a review of best practices for homeless shelters and current practices used by social services and corrections agencies and facilities, including discharge practices, the rights and responsibilities of persons with mental illness and co-occurring disorders and best practices for housing and supportive services. The Statewide Homeless Council shall invite the participation of representatives of the Department of Health and Human Services including the Office of Substance Abuse, the Department of Corrections, the Maine State Housing Authority, representatives of hospitals in the State, statewide organizations representing homeless persons, representatives of community mental health provider agencies, homeless service providers and persons with mental illness, persons with substance abuse issues and other interested parties. The Statewide Homeless Council is required to report to the Joint Standing Committee on Health and Human Services by January 15, 2008.

Enacted Law Summary

Resolve 2007, chapter 131, which is entitled "Resolve, To Study the Impact of Social Services and Corrections Policies on Homeless People in Maine," directs the Statewide Homeless Council to coordinate a study of the connection between the increasing numbers of homeless persons in the State and the existing policies and procedures employed by the Department of Health and Human Services and the Department of Corrections. The study must include a review of best practices for homeless shelters and current practices used by social services and corrections agencies and facilities, including discharge practices, the rights and responsibilities of persons with mental illness and co-occurring disorders and best practices for housing and supportive services. The Statewide Homeless Council shall invite the participation of interested parties specified in the resolve. The Statewide Homeless Council is required to report to the Joint Standing Committee on Health and Human Services by January 15, 2008.

Resolve 2007, chapter 131 was passed as an emergency measure effective June 27, 2007.

**LD 1386 An Act To Make Criminal Background Checks and Department of
Health and Human Services Child Protective Substantiation Checks on
Volunteers More Affordable**

**ACCEPTED ONTP
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WALCOTT	ONTP MAJ OTP-AM MIN	

Joint Standing Committee on Health and Human Services

This bill limits to \$3 the fee that the Department of Health and Human Services may charge for a check of its records to see if a person is named as substantiated child abuser and that the Department of Public Safety, State Bureau of Identification may charge for a criminal history record check of a person if the requestor is a nonprofit corporation and the person is a volunteer who may be working with a minor for the nonprofit corporation.

Committee Amendment "A" (H-582)

This amendment, which was not adopted, is the minority report and incorporates a fiscal note.

LD 1396 *Resolve, To Provide for an Independent Evaluation of the Procedures and Programs of the Department of Health and Human Services for Promoting Permanency and Safety for Children*

RESOLVE 137

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WESTON	OTP MAJ ONTP MIN	S-119

This resolve requires the Department of Health and Human Services, within existing resources, to contract with an independent expert or organization to study the effects of recent child care program reforms to ensure that each child's best interests are being protected and that adequate provision for each child's safety and well-being is made in the plans developed for each placement, discharge or other transition resulting from a decision made regarding the child by or on behalf of the department. The department is directed to submit its findings and any necessary implementing legislation to the Joint Standing Committee on Health and Human Services.

Committee Amendment "A" (S-119)

This amendment changes the date by which the Department of Health and Human Services must report to the Joint Standing Committee on Health and Human Services from July 15, 2007 to December 1, 2007 and specifies that the committee may submit legislation to the Second Regular Session of the 123rd Legislature.

Enacted Law Summary

Resolve 2007, chapter 137 requires the Department of Health and Human Services to contract with an independent expert or organization to study the effects of recent child care program reforms to ensure that each child's best interests are being protected and that adequate provision for each child's safety and well-being is made in the plans developed for each placement, discharge or other transition resulting from a decision made regarding the child by or on behalf of the department. The department is directed to submit its findings and any necessary implementing legislation to the Joint Standing Committee on Health and Human Services by December 1, 2007, which is authorized to submit legislation to the Second Session of the 123rd Legislature.

LD 1398 *An Act To Enable Restaurants To Allow Dogs In Outdoor Portions of Those Establishments*

ONTP

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

This bill allows a municipality to pass an ordinance to allow an eating establishment to allow a patron to bring a dog into a designated outdoor area of the establishment. The municipal ordinance must require the eating establishment to provide detailed information regarding the designated area and follow rules concerning the handling and conduct of dogs in the designated area, including posting the rules for employees and patrons to see. This bill also provides for cooperation and communication between the municipality and the Department of Health and Human Services.