

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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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

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

Public Law 2007, chapter 448 establishes medical child support, expands MaineCare buy-in, maximizes use of the Private Health Insurance Premium Program, allows enrollment in employer-based coverage without waiting for the open enrollment period for persons eligible for MaineCare and amends assignment of rights of recovery consistent with the biennial budget, applying those rights retroactively as allowed by law.

LD 1751 An Act To Address Smoking in Senior Housing

ONTP

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

This bill prohibits smoking in assisted housing or within 100 yards of assisted housing. "Assisted housing" is defined as a facility for senior citizens that is an assisted living program or that is funded, licensed or otherwise regulated by the Department of Health and Human Services. The prohibition takes effect January 1, 2008.

LD 1762 An Act To Increase MaineCare Reimbursement for Speech and Language Therapists and Provide Treatment for Adults with Developmental Disabilities

ONTP

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

This bill allows members of MaineCare who are adults with developmental disabilities to receive an initial speech and language therapy evaluation and at least 2 reevaluations per year and be provided with coverage for outpatient therapy. It also directs the Department of Health and Human Services to increase the rate of reimbursement for speech and language therapists used by the MaineCare program by 5%.

LD 1763 An Act To Amend the Maine Certificate of Need Act of 2002

**PUBLIC 440
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLER	OTP-AM	H-569

This bill makes the following changes to the Maine Certificate of Need Act of 2002.

1. Current law exempts from review replacement of major medical equipment. This bill requires review when a certificate of need had not been obtained for the equipment that is being replaced.
2. It requires review of an increase in bed complement or bed category of less than 10% if it results in 3rd fiscal year operating costs or capital expenditures in excess of applicable thresholds or results in the addition of a new health service.
3. It allows the aggregation of capital expenditures in determining whether projects are related.
4. It improves the ability of the Department of Health and Human Services to monitor the implementation of projects that were determined not subject to review.
5. It requires that communication between applicants and the Bureau of Insurance goes through the Department of Health and Human Services and becomes part of the official record.

Joint Standing Committee on Health and Human Services

6. It exempts both the Bureau of Insurance assessment of impact and the health assessment impact from the Maine Center for Disease Control and Prevention for nursing facility projects.
7. It clarifies that prior to an application's being certified as complete, the record is not a public document. After it is certified as complete, it is governed by the freedom of access laws.
8. It clarifies when additional time may be taken to complete a review.
9. It prohibits any state agency or other 3rd-party payor from reimbursing a provider or making payments or providing other financial assistance to a provider who fails to meet the conditions established by the Commissioner of Health and Human Services.
10. It allows the Department of Health and Human Services to publish revised thresholds using a specified index without having to adopt new rules.

Committee Amendment "A" (H-569)

This amendment replaces the bill. It amends the certificate of need law with regard to acquisitions of major medical equipment, the funding of new nursing facility beds, nursing facility bed banking, subsequent review of certificate of need projects and determinations of nonapplicability of certificate of need, the description of what constitutes the record in a certificate of need proceeding and the maintenance of the record and the authorization of the Department of Health and Human Services to withhold funds with regard to a project for which a certificate of need was approved.

Enacted Law Summary

Public Law 2007, chapter 440 amends the certificate of need law. It amends the certificate of need law with regard to acquisitions of major medical equipment, the funding of new nursing facility beds, nursing facility bed banking, subsequent review of certificate of need projects and determinations of nonapplicability of certificate of need, the description of what constitutes the record in a certificate of need proceeding and the maintenance of the record and the authorization of the Department of Health and Human Services to withhold funds with regard to a project for which a certificate of need was approved.

Public Law 2007, chapter 440 was enacted as an emergency measure effective June 27, 2007.

LD 1764 An Act To Increase the Wages of Direct Support Professional Staff Based on Increases in the State Minimum Wage

ONTP

Sponsor(s)

PERRY J

Committee Report

ONTP

Amendments Adopted

This bill requires the Department of Health and Human Services to increase the rate of reimbursement for direct support professional staff costs by 3.8% effective October 1, 2007. It also requires the department to increase the wage component for direct support professional staff whenever the State's minimum wage is increased.