

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

LD 1765 An Act To Ensure End-of-life Care for Children with Terminal Illnesses

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WEBSTER	OTP-AM	H-301

This bill makes a one-time General Fund appropriation of \$75,000 in fiscal year 2007-08 to contract with an organization that provides pediatric palliative care statewide to children with life-threatening conditions.

Committee Amendment "A" (H-301)

This amendment incorporates a fiscal note.

This bill died on adjournment on the Appropriations Table.

See also the biennial budget, Public Law 2007, chapter 240, page 421 for appropriation of \$50,000 in Fiscal Year 2008 for pediatric palliative care.

**LD 1774 An Act To Provide Greater Information Pertaining to the Health of
Maine Children**

ONTP

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

This bill requires the following initiatives with regard to the health of Maine children:

1. A report on the percentage of funding from the Fund for a Healthy Maine that is being used and could be used to effectively address obesity in Maine children and recommendations for increasing funding;
2. A study and report on marketing food to children through on-package marketing;
3. A study to determine the requirements for developing a system to monitor the cardiovascular health of Maine children;
4. A requirement that certain restaurants provide caloric information regarding foods and drinks listed on menus and menu boards; and
5. A requirement for standards for food and beverages sold or distributed on school grounds but outside of school.

LD 1775 An Act To Ensure Safe Drinking Water from Private Wells

ONTP

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

This bill enacts the Private Well Testing Act. The bill requires that a water test be done on a private well before a property may be sold. The bill also designates who may perform the water tests. The bill also requires the

Joint Standing Committee on Health and Human Services

Department of Health and Human Services to provide a copy of a failed test result to the municipality, health agency, local health officer and any other governmental entity in the area that the private well is located. The bill requires a lessor to have a private well tested every 5 years beginning in 2009. The bill also requires the department to establish a public information and education program to inform the public of the enactment of the Private Well Testing Act and the substance of its provisions and requirements. The department is required to submit a report to the joint standing committee of the Legislature having jurisdiction over agriculture matters by January 15, 2012.

LD 1780 *Resolve, To Convene a Working Group To Review Statutory Language and Propose Standards To Ensure the Use of Respectful Language*

RESOLVE 62

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WEBSTER	OTP-AM	H-275

This resolve directs the Maine Developmental Disabilities Council to convene a working group to review the terminology that is currently contained in the Maine Revised Statutes to refer to persons with disabilities and authorizes the council to propose standards to be used prospectively by the Revisor of Statutes when preparing bills that enact or amend legislative language referring to persons with disabilities.

Committee Amendment "A" (H-275)

This amendment incorporates a fiscal note.

Enacted Law Summary

Resolve 2007, Chapter 62 directs the Maine Developmental Disabilities Council to convene a working group to review the terminology that is currently contained in the Maine Revised Statutes to refer to persons with disabilities and authorizes the council to propose standards to be used prospectively by the Revisor of Statutes when preparing bills that enact or amend legislative language referring to persons with disabilities.

LD 1781 *An Act To Prevent Duplication in Certification of Hospitals*

PUBLIC 314

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS J	OTP-AM	H-401

This bill exempts a health care facility from Department of Health and Human Services inspection requirements if the health care facility is certified to participate in the federal Medicare program and accredited by a recognized health care accrediting agency. If the health care facility is certified for participation in the Medicare program but not accredited, then the facility must be inspected by the department every 3 years. This bill does not exempt health care facilities from Department of Health and Human Services inspection in response to complaints or suspected violations or by other agencies or municipalities for purposes unrelated to health care facility licensing.

Committee Amendment "A" (H-401)

This amendment narrows the scope of the bill to apply to hospitals only and makes the law effective July 1, 2008.

Enacted Law Summary

Public Law 2007, chapter 314 exempts hospitals from DHHS inspection requirements if the hospital is certified to participate in the federal Medicare program and accredited by a recognized health care accrediting agency. If the hospital is certified for participation in the Medicare program but not accredited, then the hospital must be inspected by the department every 3 years. This bill does not exempt hospitals from Department of Health and Human Services inspection in response to complaints or suspected violations or by other agencies or municipalities for