

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

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

Joint Standing Committee on Health and Human Services

purposes unrelated to hospital licensing. The law is effective July 1, 2008.

LD 1782 *Resolve, To Clarify the Rules of Reimbursement for Personnel Working in Homes Providing Services to Persons with Brain Injuries* ONTP

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

This resolve provides that, with respect to 6-bed Level III residential care facilities for residents who suffer from brain injury that are not affiliated with a larger or parent organization, administrators are not limited solely to the performance of administrative duties.

LD 1786 *An Act To Reduce the Spread of Infectious Disease through Shared Hypodermic Apparatuses* PUBLIC 346

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLER	OTP-AM	H-486

This bill prohibits the Department of Health and Human Services, Maine Center for Disease Control and Prevention from limiting the number of hypodermic apparatuses that a certified hypodermic apparatus program may provide to enrolled participants or the number that enrolled participants may legally possess, transport or exchange. The bill requires the Maine Center for Disease Control and Prevention to adopt rules for measures to discourage the utilization of used hypodermic apparatuses and makes rules adopted or amended routine technical rules. It authorizes persons to lawfully possess, furnish or transport hypodermic apparatuses or residual amounts of scheduled drugs that may be present in the hypodermic apparatuses or a residual amount of any scheduled drug that is contained in one or more hypodermic apparatuses to the extent authorized under the Maine Revised Statutes, Title 22, chapter 252-A. The bill provides an affirmative defense for the furnishing, transporting or possession of hypodermic apparatuses or a residual amount of any scheduled drug that is contained in one or more hypodermic apparatuses by a person enrolled in a hypodermic apparatus exchange program that is certified by the Maine Center for Disease Control and Prevention under Title 22, section 1341 when the person is transporting the hypodermic apparatuses to the certified program.

Committee Amendment "A" (H-486)

This amendment strikes section 2 from Part A of the bill, which attempted to clarify protections for employees of the needle exchange programs with affirmative defenses, but was unnecessary and confusing. The law will stay as it is with regard to employees of needle exchange programs without the removed section.

Enacted Law Summary

Public Law 2007, chapter 346 removes the limit of 10 needles in the needle exchange law. It directs the Department of Health and Human Services to adopt routine technical rules to discourage reuse of used needles. It allows possession of the residual amount of drugs that may be present on used needles.

LD 1797 *An Act To Fund Maine's HealthInfoNet Program* CARRIED OVER

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