

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
123<sup>RD</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123<sup>rd</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON HEALTH AND HUMAN SERVICES**

July 2007

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# STATE OF MAINE

123<sup>RD</sup> 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 123<sup>rd</sup> 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*

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		

## *Joint Standing Committee on Health and Human Services*

This bill appropriates \$2,000,000 to Maine's HealthInfoNet program to fund the creation of a health information exchange and to facilitate the use of electronic medical records. See also the biennial budget, Public Law 2007, chapter 240, page 27 that provides \$265,000 in Fiscal Year 2008 for Maine HealthInfo Net.

This bill is carried over to the Second Regular Session of the 123rd Legislature.

### **LD 1800     An Act To Amend Licensing and Certification Requirements**

**PUBLIC 324  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEWIN	OTP-AM	H-552

This bill makes the following changes to licensing and certification requirements of Department of Health and Human Services. It creates penalties, including injunctive relief, for operating an unregistered personal care agency. The bill creates a cap on civil monetary penalties that the Department of Health and Human Services may impose on unlicensed, uncertified or unregistered entities in response to a decision of the Maine Superior Court in a similar but unrelated case. It creates a maximum 2-year license renewal term for hospitals, nursing facilities, ambulatory surgical facilities and related institutions. It creates penalties, including injunctive relief, for operating without a license or certificate by a long-term care facility, a child care facility, and a family child care provider. It places a time limit on reapplication after denial or revocation of a license for a child care facility or revocation of a certificate for a family child care provider. It defines children in the Department of Health and Human Services laws governing facilities for children and adults as being under 21 years of age to make the provisions consistent with those governing MaineCare, the department's Office of Child and Family Services and special education. It adds to the list of confidential information pursuant to 22 M.R.S.A §7703, sub-§2 information that identifies, directly or indirectly a reference, complainant or reported of suspected licensing violations.

#### **Committee Amendment "A" (H-552)**

The amendment defines "placement agency" and "home care services." It requires a placement agency to register with the Department of Health and Human Services. It gives the Department of Health and Human Services the same right of entry and applies the same administrative inspection and license suspension and revocation provisions with respect to placement agencies as apply to personal care agencies. It clarifies that the department's right of entry may extend to any premises and documents of a person, firm, partnership, association, corporation or other entity that the department has reason to believe is operating without a license or a certificate. It clarifies that an owner or person in charge of an unlicensed long-term care facility or child care facility or an uncertified family child care provider may not interfere with or prohibit the interviewing by the department of residents or consumers of services. It clarifies that an owner or operator of an unregistered personal care agency or placement agency may not interfere with, impede or obstruct an investigation by the department, including but not limited to interviewing persons receiving services or persons with knowledge of the agency. It changes the word "subtitle" to "section" and corrects statutory language to clarify that a child care facility license is required before the Department of Education grants approval for a program to contract with one or more Child Development Services System sites.

#### **Enacted Law Summary**

Public Law 2007, chapter 324 makes changes to licensing and certification requirements of the Department of Health and Human Services. It requires a placement agency to register with DHHS and defines placement agency and home care services. It creates penalties, including injunctive relief, for operating an unregistered personal care agency or placement agency. The bill creates a cap on civil monetary penalties that the DHHS may impose on unlicensed, uncertified or unregistered entities. The bill creates a maximum 2-year license renewal term for hospitals, nursing facilities, ambulatory surgical facilities and related institutions and allows an initial license to be issued for up to 12 months. It creates penalties, including injunctive relief, for operating without a license or certificate by a long-term care facility, a child care facility, and a family child care provider. The bill places a time limit on reapplication after denial or revocation of a license for a child care facility or revocation of a certificate for