

# 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

a family child care provider. The bill defines children in 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 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, child care facility, family child care provider, personal care agency or placement agency may not interfere with or prohibit the interviewing by the department of residents or consumers of services.

Public Law, chapter 324 was enacted as an emergency measure effective June 19, 2007.

The bill was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to MRSA Title 1, §434, which requires review and evaluation of new exceptions to laws governing public records.

### LD 1801 An Act To Clarify the Definition of Autism

PUBLIC 309

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN	OTP-AM	H-381

This bill updates the definition of autism by adopting the most recent version of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders in which "pervasive developmental disorders" are described as including 5 separate conditions and by application of a test to assess the applicant's level of adaptive functional abilities.

#### Committee Amendment "A" (H-381)

This amendment replaces the bill. The amendment defines autism with respect to adults by reference to the Diagnostic and Statistical Manual of Mental Disorders and by an adaptive behavior score that is at a level of functional impairment as determined by the Department of Health and Human Services.

#### Enacted Law Summary

Public Law 2007, chapter 309 defines autism with respect to adults by reference to the Diagnostic and Statistical Manual and to an adoptive behavior score that is at a level of functional impairment as determined by the Department of Health and Human Services.

### LD 1805 An Act To Preserve Home Care Coordination Services for Long-term Care Consumers Served in the Community

DIED ON  
ADJOURNMENT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL	OTP-AM	H-309

This bill appropriates and allocates funds on an ongoing basis for home care coordination services for consumers of state-funded and MaineCare-funded home-based care programs.

#### Committee Amendment "A" (H-309)

This amendment makes minor technical corrections to the format of the appropriations and allocations section.

This bill died on adjournment on the Appropriations Table.

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

See also the biennial budget, Public Law 2007, chapter 240, page 376 for appropriations of \$125,273 a year for home care coordination.

**LD 1812      Resolve, Regarding the Role of Local Regions in Maine's Emerging Public Health Infrastructure**

**RESOLVE 114  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUMMINGS	OTP-AM	H-458

This resolve directs the Public Health Work Group to establish the Regional Coordinating Councils Subcommittee to develop recommendations for a general framework for Regional Coordinating Councils in the 8 public health regions. The Regional Coordinating Councils Subcommittee is directed to report to the Public Health Work Group, which is directed to transmit the subcommittee's reports to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on State and Local Government. The Joint Standing Committee on Health and Human Services is authorized to submit legislation regarding the Regional Coordinating Councils to the Second Regular Session of the 123rd Legislature. The resolve also requires changes to the membership of the Public Health Work Group.

**Committee Amendment "A" (H-458)**

This amendment replaces the resolve, which originally established the Regional Coordinating Councils Subcommittee under the Public Health Work Group to make recommendations to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on State and Local Government related to the regional coordinating councils and authorized the Joint Standing Committee on Health and Human Services to report out legislation. The amendment directs the Governor to expand the membership of the Public Health Work Group and specifies the groups that must be represented. It requires representation from the 8 public health regions. It limits the size of the work group to 40. It requires the Public Health Work Group to submit a report to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on State and Local Government by December 1, 2007 that includes current plans for the development of a statewide public health infrastructure, including the status of plans related to regional coordinating councils in the 8 public health regions, recommendations for a statewide public health infrastructure to be developed within existing resources over the next 5 years and necessary changes to public health duties, financing and governance and the roles of public, private, grassroots and nonprofit organizations as well as the scope of functions they perform in the public health system. It also requires the group to submit any draft legislation necessary and authorizes the Public Health Work Group to form subcommittees as necessary to achieve these purposes. It authorizes the Joint Standing Committee on Health and Human Services to submit legislation.

**Enacted Law Summary**

Resolve 2007, chapter 114 directs the Governor to expand the membership of the Public Health Work Group and specifies the groups that must be represented. It requires representation from the 8 public health regions. It limits the size of the work group to 40. It requires the Public Health Work Group to submit a report to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on State and Local Government by December 1, 2007 that includes current plans for the development of a statewide public health infrastructure, including the status of plans related to regional coordinating councils in the 8 public health regions, recommendations for a statewide public health infrastructure to be developed within existing resources over the next 5 years and necessary changes to public health duties, financing and governance and the roles of public, private, grassroots and nonprofit organizations as well as the scope of functions they perform in the public health system. It also requires the group to submit any draft legislation necessary and authorizes the Public Health Work Group to form subcommittees as necessary to achieve these purposes. It authorizes the Joint Standing Committee on Health and Human Services to submit legislation.