

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

Enacted Law Summary

Resolve 2007, chapter 53 requires the Department of Health and Human Services to adopt major substantive rules on an emergency basis during calendar year 2007 to govern the safety of children at day care facilities that contain swimming pools.

**LD 1899 An Act To Include Institutions Providing an Educational Program
among Entities Eligible To Borrow from the Maine Health and Higher
Educational Facilities Authority**

PUBLIC 354

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ADAMS	OTP-AM	H-533

This bill allows eligible institutions providing an educational program that meet underwriting requirements of the Maine Health and Higher Educational Facilities Authority to borrow from the authority.

Committee Amendment "A" (H-533)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2007, chapter 354 authorizes the use of the Maine Health and Higher Educational Facilities Authority funding for certain nonprofit institutions providing educational programs.

**LD 1907 An Act To Clarify and Affirm the Scope of Services Available to
Persons with Mental Retardation or Autism**

PUBLIC 356

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRANNIGAN	OTP-AM	S-297

This bill incorporates into the Maine Revised Statutes, Title 34-B some of the provisions required for compliance with the consent judgment in *Consumer Advisory Board et al. v. Glover*, No. 91-321-P-C (D. Me., September 28, 1994) by specifying the Department of Health and Human Services' obligation to persons with mental retardation or autism to provide personal planning, case management services, crisis and respite services and quality assurance activities. This bill clarifies the role of the Office of Advocacy within the department and the processes applicable to client grievances and appeals. This bill also sets out the principles guiding delivery of services to persons with mental retardation or autism and establishes the requirement that the ratio of individual support coordinators to clients must be one individual support coordinator to 35 persons with mental retardation or autism. It repeals the Maine Advisory Committee on Mental Retardation and establishes the Maine Developmental Services Oversight and Advisory Board.

Committee Amendment "A" (S-297)

This amendment:

1. Specifies that all members of the Maine Development Services Oversight and Advisory Board are entitled to expenses for attending board meetings and that noncompensated members are entitled to per diem, as specified by board rule or policy;
2. Amends and adds an alternative date for the repeal of the Consumer Advisory Board;

Joint Standing Committee on Health and Human Services

3. Specifies that at least 4 members of the Maine Developmental Services Oversight and Advisory Board must be self-advocates;
4. Clarifies language regarding the referral of individual cases for investigation or action;
5. Specifies that eligibility for services begins upon diagnosis of mental retardation or autism;
6. Provides that the initial appointments to the Maine Developmental Services Oversight and Advisory Board be made by the Consumer Advisory Board and the Maine Advisory Committee on Mental Retardation rather than by the Governor;
7. Provides transition language with regard to the budgets of the Maine Developmental Services Oversight and Advisory Board;
8. Provides effective dates that are connected to the repeal of the Consumer Advisory Board for several specific sections of the bill and a general effective date of November 1, 2007; and
9. Specifies that the Department of Health and Human Services must include in its estimate of expenditure and appropriation requirements funds for the board as a separate line item.

Enacted Law Summary

Public Law 2007, chapter 356 incorporates into the Maine Revised Statutes, Title 34-B some of the provisions required for compliance with the consent judgment in *Consumer Advisory Board et al. v. Glover*, No. 91-321-P-C (D. Me., September 28, 1994) by specifying the Department of Health and Human Services' obligation to persons with mental retardation or autism to provide personal planning, case management services, crisis and respite services and quality assurance activities. This law clarifies the role of the Office of Advocacy within the department and the processes applicable to client grievances and appeals. This law also sets out the principles guiding delivery of services to persons with mental retardation or autism and establishes the requirement that the ratio of individual support coordinators to clients must be one individual support coordinator to 35 persons with mental retardation or autism. It repeals the Maine Advisory Committee on Mental Retardation and establishes the Maine Developmental Services Oversight and Advisory Board.

It provides transition language for the ending of the Consumer Advisory Board and the beginning of the Maine Developmental Services Oversight and Advisory Board. It provides a general effective date of November 1, 2007. It provides specific requirements for budgeting and funding the new board.

LD 1909 An Act To Establish the Acquired Brain Injury Advisory Council

PUBLIC 239

Sponsor(s)

Committee Report

Amendments Adopted

This bill establishes the Acquired Brain Injury Advisory Council to provide oversight and advice and to make recommendations to the Commissioner of Health and Human Services and the Director of the Office of Adults with Cognitive and Physical Disability Services, the Director of the Maine Center for Disease Control and Prevention and the Director of the Office of MaineCare Services within the Department of Health and Human Services.

Enacted Law Summary

Public Law 2007, chapter 237 establishes the Acquired Brain Injury Advisory Council to provide oversight and advice and to make recommendations to the Commissioner of Health and Human Services and the Director of