

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR AND FIRST SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed
during the Second Regular or First Special Sessions of the 123rd Maine
Legislature coming from the

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

May 2008

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STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR & FIRST SPECIAL SESSIONS



**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 Second Regular or First Special Sessions of the 123rd Maine Legislature.

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:

<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i>	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session (R2) is June 30, 2008. The effective date for non-emergency legislation enacted in the First Special Session (S1) is July 18, 2008.¹ The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills. Any bill summarized in this document having an LD number less than 1932 was a bill carried over from the First Regular Session of the 123rd Legislature.

¹ The session in which each law was enacted or finally passed (R2 or S1) is included in Appendix C.

Joint Standing Committee on Health and Human Services

suspicious child deaths are subject to and may not interfere with the authority and responsibility of the Attorney General to investigate and prosecute homicides pursuant to the Maine Revised Statutes, Title 5, section 200-A.

LD 2004 An Act To Establish the Department of Substance Abuse Services

ONTP

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

This bill makes the Office of Substance Abuse into the Department of Substance Abuse Services, a cabinet-level agency, in order to address the substance abuse problem in this State. Part A of the bill enacts a new Title 22-B in the Maine Revised Statutes to establish the Department of Substance Abuse Services. Part A also amends or repeals existing law to avoid some potential conflicts or ambiguity. Part B provides a series of transition provisions to ensure the appropriate and orderly transfer of functions, duties and responsibilities to the new department. Part C places the State Board of Alcohol and Drug Counselors under the jurisdiction of the new Department of Substance Abuse Services instead of the Department of Professional and Financial Regulation.

LD 2012 An Act To Protect Children in Vehicles from Secondhand Smoke

PUBLIC 591

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPREY	OTP-AM MAJ ONTP MIN	H-785

This bill, modeled on a Bangor city ordinance, prohibits smoking in a motor vehicle when a person under 18 years of age is present in that vehicle. Violators are subject to a \$50 fine or, at the discretion of the law enforcement officer present, a written warning.

Committee Amendment "A" (H-785)

This amendment lowers the age of the minors who are protected from secondhand smoke in a motor vehicle from under 18 years of age to under 16 years of age. The amendment states that the violation is not a moving violation. The amendment prohibits searches based solely on a violation of the provision, limits the penalty for violating the provision in the first 12 months of its taking effect to a warning and retains a violation after that time as a civil violation, for which a fine of \$50 may be assessed or a warning given in the discretion of the law enforcement officer. This amendment provides an effective date of September 1, 2008.

Enacted Law Summary

Public Law 2007, chapter 591 protects minors under age 16 from secondhand smoke in a motor vehicle. The law states that a violation is not a moving violation for motor vehicle purposes and prohibits searches based solely on a violation of the provision. The law limits the penalty for violating the provision in the first 12 months of its taking effect to a warning and designates a violation after that time as a civil violation, for which a fine of \$50 may be assessed or a warning given at the discretion of the law enforcement officer. Public Law 2007, chapter 591 takes effect September 1, 2008.

LD 2014 Resolve, To Extend the Deadline To Adopt a Rule by the Department of Health and Human Services Regarding Smoking in the Workplace

**RESOLVE 149
EMERGENCY**

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

Joint Standing Committee on Health and Human Services

This resolve gives the Department of Health and Human Services additional time in which to adopt changes to Chapter 250: Rules Relating to Smoking in the Workplace, changes to which were authorized in the First Regular Session of the 123rd Legislature in Resolve 2007, chapter 4.

Enacted Law Summary

Resolve 2007, chapter 149 gives the Department of Health and Human Services additional time in which to adopt changes to Chapter 250: Rules Relating to Smoking in the Workplace, changes to which were authorized in the First Regular Session of the 123rd Legislature in Resolve 2007, chapter 4.

Resolve 2007, chapter 149 was enacted as an emergency measure effective February 20, 2008.

LD 2032 An Act To Implement a Consent Judgment Regarding OxyContin Abuse

ONTP

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

The State of Maine through its Attorney General has received funds from Purdue Pharma, Inc., Purdue Pharma L.P. and the Purdue Frederick Company, Inc. pursuant to a consent judgment entered by the Kennebec County Superior Court in Docket No. CV-07-143. This judgment settled a civil action regarding Purdue's promotional and marketing practices for the prescription drug OxyContin. The consent judgment directed these funds to programs for prescription drug abuse prevention. The funds received by the Attorney General were transferred to the General Fund without designation for any purpose. This bill directs that those funds be directed to the Department of Health and Human Services, Office of Substance Abuse for the purpose of funding prescription drug abuse prevention or monitoring programs. This bill was not enacted as the Health and Human Services Committee learned that the funds had been allocated in the biennial budget.

LD 2033 Resolve, Directing the Department of Health and Human Services To Adopt Rules Governing Water Activities Offered by Licensed Child Care Facilities

**RESOLVE 199
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM MAJ ONTP MIN	H-890 H-975 DRISCOLL

This resolve directs the Department of Health and Human Services to adopt rules governing the use of lakes and ponds by licensed child care facilities.

Committee Amendment "A" (H-890)

This amendment requires the department to adopt rules to allow licensed child care facilities and certified family child care providers to use lakes and ponds for water activities without a lifeguard on duty as long as the provider meets certain safety requirements. The requirements include: written permission from a parent or guardian, a written water safety plan and meeting all of the other water safety rules for use of swimming pools by child care providers. The written water safety plan must include provisions for adequate staffing ratios, the presence of a water safety attendant, a barrier to keep children in water no deeper than 4 feet and the use of life jackets for children up to 8 years old as well as for older children who have not had swimming lessons. The amendment also requires that the rules be in effect no later than June 1, 2008.

House Amendment "A" (H-975)