

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
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**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

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)

Joint Standing Committee on Health and Human Services

This amendment requires the Department of Health and Human Services, in its rulemaking, to require a licensed child care facility and certified family child care provider that offers water activities without a lifeguard on duty to notify in writing the parent or guardian of every child who participates in water activities that there will not be a lifeguard on duty.

Enacted Law Summary

Resolve 2007, chapter 199 directs the Department of Health and Human Services to adopt routine technical rules allowing 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 provider must have written permission from a parent or guardian, a written water safety plan and meet all of the other water safety rules required for the 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. Providers that offer water activities without a lifeguard on duty must notify in writing the parent or guardian of every child who participates in water activities that there will not be a lifeguard on duty. The law requires that the rules be in effect no later than June 1, 2008.

Resolve 2007, chapter 199 was enacted as an emergency measure effective April 14, 2008.

LD 2034 An Act To Prohibit the Sale of Energy Drinks to Minors

ONTP

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

This bill prohibits the sale of energy drinks to minors. An energy drink is a soft drink specifically designed to provide energy and must contain 80 or more milligrams of caffeine per 8 fluid ounces.

LD 2035 An Act To Clarify the Laws Governing the Inspection of Medical Facilities

ONTP

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

This bill clarifies that state inspections of medical facilities and survey visits are not required unless there is a documented complaint regarding a specific problem.

LD 2044 An Act To Prohibit Health Care Facilities from Charging for Treatment To Correct Mistakes or Preventable Adverse Events

PUBLIC 605

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT	OTP-AM MAJ ONTP MIN	H-873 H-907 PERRY A

This bill prohibits a health care facility from charging a patient or the patient's insurer for a mistake made by that health care facility for a preventable adverse event that occurs while the patient is in the care of a health care facility or for the care provided by that health care facility to correct its mistakes or rectify the preventable adverse event. A list of 27 such mistakes or preventable adverse events provided in the bill is taken verbatim from the recommendations of the National Quality Forum in 2002.