

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

Committee Amendment "A" (H-873)

This amendment changes the title and replaces the bill. It prohibits a health care facility from knowingly charging a patient or insurer for treatment to correct mistakes or preventable adverse events, which are specifically defined in the bill and based on the National Quality Forum's most recent list of 28 preventable adverse events. The amendment clarifies that, in the case of a patient's death or disability, the mistake or preventable adverse event must be the cause of the patient's death or disability. It requires health care facilities to inform patients of the prohibition on payment for health care facility mistakes or preventable adverse events.

House Amendment "A" (H-907)

This amendment corrects Committee Amendment "A" by adding a term to the definition section regarding artificial insemination, which is one of 28 mistakes or preventable adverse events for which health care facilities are prohibited from charging. It also adds language to the definition regarding maternal death and serious disability. These items were inadvertently omitted from the Committee amendment.

Enacted Law Summary

Public Law 2007, chapter 605 prohibits a health care facility from knowingly charging a patient or insurer for treatment to correct any of 28 mistakes or preventable adverse events, which are based on the standards of the National Quality Forum and specifically defined in the law. In the case of a patient's death or disability, the mistake or preventable adverse event must be the cause of the patient's death or disability. The law requires health care facilities to inform patients of the prohibition on payment for health care facility mistakes or preventable adverse events.

LD 2052 Resolve, To Create the Blue Ribbon Commission To Study the Future of Home-based and Community-based Care

**RESOLVE 209
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN	OTP-AM	H-795 S-649 MARTIN

This resolve creates the Blue Ribbon Commission To Study Long-term Home-based and Community-based Care to develop choices to meet unmet needs and financing options of long-term home-based and community-based care. The commission shall create a blueprint to ensure the sustainability of long-term home-based and community-based care options.

Committee Amendment "A" (H-795)

This amendment ensures that Legislators who are members of the 2 major political parties serve on the commission and requires outside funding. The amendment also adds an appropriations and allocations section.

Senate Amendment "B" (S-649)

This amendment makes the following changes to the resolve to ensure compliance with the requirements of Joint Rule 353.

1. It adds an additional legislative member to the commission.
2. It makes technical changes to the language governing outside funding.
3. It changes the reporting date to November 5, 2008.

Enacted Law Summary

Joint Standing Committee on Health and Human Services

Resolve 2007, chapter 209 establishes the Blue Ribbon Commission to Study the Future of Home-based and Community-based Care. The resolve provides for an 11-member commission and charges it with developing choices to meet unmet needs and financing options for long-term home and community-based care. The resolve requires a report to the 124th Legislature by November 5, 2008.

Resolve 2007, chapter 209 was enacted as an emergency measure effective April 17, 2008.

LD 2053 An Act To Ensure That Children's Toys and Products Are Free of Lead

PUBLIC 604

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CONOVER	OTP-AM	H-930 H-955 CONOVER

This bill directs the Department of Health and Human Services, Maine Center for Disease Control and Prevention to use 10% of the funds in the Lead Poisoning Prevention Fund to test the lead content of products that are customarily used by children. If the sample contains lead or is coated with lead in a concentration that constitutes or potentially constitutes a health hazard, the center shall take measures to inform the general public of the test results and request that stores in the State that carry that children's product remove the product from their shelves.

Committee Amendment "A" (H-930)

This amendment replaces the bill. It restricts the manufacture and knowing sale and distribution of lead-containing children's products through use of the federal performance standard for paintings and coatings and a content lead level established at .009% of the total weight or the federal standard if state law is preempted by federal law. It provides an exception for consumer electronic products in which the lead-containing component is inaccessible to children. It states that a first violation by a manufacturer that is a small employer is enforced through a warning. It provides for enforcement by the Attorney General and penalties that are to be paid to the Lead Poisoning Prevention Fund. The amendment requires a report on children's lead poisoning from toys and products by January 15, 2010 and authorizes the joint standing committee of the Legislature having jurisdiction over health and human services matters to submit a bill to the Second Regular Session of the 124th Legislature. It provides an effective date of July 1, 2009.

House Amendment "A" (H-955)

This amendment expands the exceptions to the restrictions on lead in children's products to include products that comply with a directive of the European Parliament and the Council of the European Union.

Enacted Law Summary

Public Law 2007, chapter 604 restricts the manufacture and knowing sale and distribution of lead-containing children's products through use of the federal performance standard for paintings and coatings and a content lead level established at .009% of the total weight or the federal standard if state law is preempted by federal law. It provides exceptions for consumer electronic products in which the lead-containing component is inaccessible to children and consumer electronic products exempt in the European Union. It designates a first violation by a manufacturer that is a small employer as a warning. It provides for enforcement by the Attorney General and penalties that are to be paid to the Lead Poisoning Prevention Fund. The law requires a report on children's lead poisoning from toys and products by January 15, 2010 and authorizes the joint standing committee of the Legislature having jurisdiction over health and human services matters to submit a bill to the Second Regular Session of the 124th Legislature. The law provides an effective date of July 1, 2009.