

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
123<sup>RD</sup> 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 123<sup>rd</sup> Maine  
Legislature coming from the

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

May 2008

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**STATE OF MAINE**  
123<sup>RD</sup> 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 123<sup>rd</sup> 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 &amp; 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&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; 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.<sup>1</sup> 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 123<sup>rd</sup> Legislature.

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<sup>1</sup> 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*

**LD 2054    An Act To Encourage Access to Respite Care Services for Maine Families with Behavioral Health Needs** **ONTP**

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

This bill removes respite care services from the Department of Health and Human Services' rules that require families to pay a portion of the cost for services based on a sliding fee scale methodology for state-grant-funded children's services.

**LD 2063    Resolve, To Preserve Access to Assisted Living Services for Maine's Elderly and Disabled Citizens** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL	OTP-AM	H-922

This resolve directs the Department of Health and Human Services to amend the rules of reimbursement under the MaineCare program for 7 tax credit assisted living projects to provide a 3% rate increase and to reimburse for service-hold days, beginning October 1, 2008. The rules are designated routine technical rules. The 7 tax credit assisted living projects are Freese's Assisted Living Program, Stearns Assisted Living, Merry Gardens Estates, Wardwell Assisted Living Services, Mayflower Place, The Inn at Augusta City Hall and Iris Park Apartments.

**Committee Amendment "A" (H-922)**

This amendment replaces the 3% increase in the reimbursement rate for tax credit assisted living projects proposed in the resolve with an increase of \$205,000 per year. The amendment removes the section of the resolve pertaining to service-hold days. The amendment adds an appropriations and allocations section.

**LD 2064    An Act To Amend the Provisions of the Homeless Youth Program** **ONTP**

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

This bill changes the age of the persons served by the Homeless Youth Program from under 15 years of age to those 16 years of age or older and under 22 years of age. This bill repeals the requirements that the Department of Health and Human Services annually report to the Joint Standing Committee on Health and Human Services and repeals the data collection requirement concerning youth who refuse services from the program.

**LD 2084    An Act To Protect Vulnerable Children by Allowing the Use of Asthma Inhalers and Epinephrine Pens** **PUBLIC 588 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLER	OTP-AM	H-796

This bill requires a municipality operating a recreational program to ensure that the personnel supervising the recreational program are trained to administer medication, including, but not limited to, an asthma inhaler or an

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

epinephrine pen, to any child in that municipality's care who requires that medication. The bill allows municipal personnel who have received the training to administer medication.

### **Committee Amendment "A" (H-796)**

This amendment changes the title and replaces the bill. It allows municipal employees and volunteers that operate or assist in any municipal recreational program or camp to receive training on how to administer asthma inhalers and epinephrine pens. It allows them to possess and administer prescribed asthma inhalers and epinephrine pens in order to provide emergency aid.

### **Enacted Law Summary**

Public Law 2007, chapter 588 allows municipal employees and volunteers that operate or assist in any municipal recreational program or camp to receive training on how to administer asthma inhalers and epinephrine pens. It allows them to possess and administer prescribed asthma inhalers and epinephrine pens in order to provide emergency aid.

Public Law 2007, chapter 588 was enacted as an emergency measure effective April 9, 2008.

### **LD 2085 An Act To Protect Children from Secondhand Smoke**

**ONTP**

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

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. See LD 2012.

### **LD 2086 Resolve, To Require the Department of Health and Human Services To Provide Appropriate Cost-of-living Adjustments for Certain Assisted Housing and Medical and Remedial Private Nonmedical Institutions**

**ONTP**

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

This bill requires the Department of Health and Human Services to provide certain medical and remedial private nonmedical and assisted housing institutions with a 2% cost-of-living adjustment in fiscal year 2008-09.

### **LD 2105 An Act To Change the Timing of the Health Care Occupations Report and To Add and Clarify Definitions Relating to Swimming Pools and Spas**

**PUBLIC 631**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DRISCOLL	OTP-AM	H-874 S-574 WESTON

This bill requires the Department of Labor, in conjunction with the Department of Health and Human Services, to complete and present the health care occupations report to the health workforce forum established in Maine Revised Statutes, Title 22, section 257 by September 15, 2009 and every 4th year thereafter. It removes the requirement of an annual report.