

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

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.

Joint Standing Committee on Health and Human Services

The bill also makes changes to the Maine Revised Statutes, Title 22, chapter 602, which governs public pools and spas. It adds a definition for a "medical facility pool or spa," defines the term "pool" and broadens the definition of "spa" to include therapeutic uses. It changes the term "private" pool or spa to "residential" pool or spa, updates terminology and clarifies the difference between "residential" pools or spas and "public" pools or spas. It defines a pool on the premises of a licensed child care facility as a "public pool" and a pool on the premises of a certified family child care provider as a "residential pool." The bill updates the provision governing the submission of construction plans for pools and spa regulated by the Department of Health and Human Services to require the department to use in its review of the plans the American Standards Institute and the Association of Pool and Spa Professionals design criteria rather the standards of its predecessor organization, the National Swimming Pool Institute.

Committee Amendment "A" (H-874)

This amendment repeals the Maine Revised Statutes, Title 22, section 2666, subsection 1, which prohibits a person having a communicable disease from working at a public pool or spa.

Senate Amendment "A" (S-574)

This amendment requires the Department of Health and Human Services to apply the American Standards Institute and the Association of Pool and Spa Professionals design criteria to all pool and spa plans subject to the department's approval, not just "public" pool and spa plans. It also requires the Department of Health and Human Services to publish the standards on its publicly accessible website annually. Related to pool supervision in the Maine Revised Statutes, Title 22, section 2666, subsection 3, the amendment replaces the term "capable individual" with a "person as defined by standards of the American Standards Institute and the Association of Pool and Spa Professionals or successor organizations."

Enacted Law Summary

Public Law 2007, chapter 631 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 the Maine Revised Statutes, Title 22, section 257 by September 15, 2009 and every 4th year thereafter. It removes the requirement of an annual report.

Public Law 2007, chapter 631 also makes changes to the Maine Revised Statutes, Title 22, chapter 602, which governs public pools and spas. It adds a definition for a "medical facility pool or spa," defines the term "pool" and broadens the definition of "spa" to include therapeutic uses. It changes the term "private" pool or spa to "residential" pool or spa, updates terminology and clarifies the difference between "residential" pools or spas and "public" pools or spas. It defines a pool on the premises of a licensed child care facility as a "public pool" and a pool on the premises of a certified family child care provider as a "residential pool." It updates the provision governing the submission of construction plans for pools and spa regulated by the Department of Health and Human Services to require the department to use in its review of the plans the American Standards Institute and the Association of Pool and Spa Professionals design criteria rather the standards of its predecessor organization, the National Swimming Pool Institute. The law requires the department use this design criteria as the minimum standards in the approval of all pools and spas subject to the department's review and to publish the standards on its publicly accessible website. Related to pool supervision in the Maine Revised Statutes, Title 22, section 2666, subsection 3 the amendment replaces the term "capable individual" with a "person as defined by standards of the American Standards Institute and the Association of Pool and Spa Professionals or successor organizations." The law also repeals section 2666, subsection 1, which prohibits a person having a communicable disease from working at a public pool or spa. This issue is already covered by other areas of communicable disease law.