

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

MEMBERS:

SEN. JOSEPH C. BRANNIGAN, CHAIR
SEN. LISA T. MARRACHE
SEN. KEVIN L. RAYE

REP. ANNE C. PERRY, CHAIR
REP. CAROL A. GROSE
REP. ELIZABETH S. MILLER
REP. PAULETTE G. BEAUDOIN
REP. GARY A. CONNOR
REP. PATRICIA R. JONES
REP. ROBERT P. WALKER
REP. JAMES J. CAMPBELL, SR.
REP. SARAH O. LEWIN
REP. DONNA W. FINLEY
REP. DONALD G. SOCTOMAH

STAFF:

JANE ORBETON, SENIOR ANALYST
ELIZABETH COOPER, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

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

LD 2138 An Act To Amend the Requirements for Approval of the Use of Physical Restraints

PUBLIC 573

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

This bill makes several changes in the statutes concerning the rights and protections of persons with mental retardation or autism related to the use of physical restraints. This bill establishes distinctions among physical restraints, mechanical supports and safety devices and describes each in a separate provision of the law. This bill removes the requirement in statute that a 3-person team approve the use of a safety device for a person with mental retardation or autism and delegates that authority to the Department of Health and Human Services, which may adopt routine technical rules concerning the use and approval of safety devices. This bill clarifies the standards for the short-term use of physical restraints to prevent injury to the person being served or to others and prohibits entirely the use of totally enclosed cribs and barred enclosures. This bill requires that daily records of the use of physical restraints, either to prevent injury or as part of a behavioral treatment, be kept and reviewed at least quarterly by the person's planning team in a summary form. A monthly summary must be provided to the Department of Health and Human Services, Office of Advocacy.

Enacted Law Summary

Public Law 2007, chapter 573 makes several changes in the statutes concerning the rights and protections of persons with mental retardation or autism related to the use of physical restraints. The law establishes distinctions among physical restraints, mechanical supports and safety devices and describes each in a separate provision of the law. It removes the requirement in statute that a 3-person team approve the use of a safety device for a person with mental retardation or autism and delegates that authority to the Department of Health and Human Services, which may adopt routine technical rules concerning the use and approval of safety devices. The law clarifies the standards for the short-term use of physical restraints to prevent injury to the person being served or to others and prohibits entirely the use of totally enclosed cribs and barred enclosures. The law requires that daily records of the use of physical restraints, either to prevent injury or as part of a behavioral treatment, be kept and reviewed at least quarterly by the person's planning team in a summary form. A monthly summary must be provided to the Department of Health and Human Services, Office of Advocacy.

LD 2148 An Act To Improve the Health of Maine Communities and Reduce Emergency Care Burdens

ONTP

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

This bill directs the Department of Health and Human Services, Maine Center for Disease Control and Prevention to undertake a program to create neighborhood health resource centers for the Parkside or Bayside neighborhood of the City of Portland and for the City of Lewiston. This bill appropriates \$300,000 in fiscal year 2008-09 for the purposes of the neighborhood health resource centers and for federally qualified health centers.

LD 2152 An Act To Ensure Access to Necessary Health Care Services in Maine by Repealing the Capital Investment Fund

ONTP

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

Joint Standing Committee on Health and Human Services

This bill eliminates the capital investment fund, which limits the amount of capital spending for health care projects that are subject to the certificate of need laws. This bill specifies that the repeal of the capital investment fund applies retroactively to January 1, 2008.

LD 2153 An Act To Improve the Organizational Structure of the Department of Health and Human Services **ONTP**

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

This bill consolidates provisions in the Maine Revised Statutes, Titles 22 and 34-B with existing provisions in Title 22-A to the extent that Titles 22 and 34-B described the Department of Health and Human Services' organizational structure and the Commissioner of Health and Human Services' powers and duties. Some provisions are repealed because they are redundant or obsolete; some are repealed or rewritten to give the commissioner more flexibility in organizing the department, appointing staff and delegating the various duties of the department among staff.

This bill was voted Ought Not to Pass in deference to Public Law 2007, chapter 539, Part N, which contains the same provisions as the committee amendment that was proposed.

LD 2163 Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting System for Health Care Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization **RESOLVE 166
EMERGENCY**

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

This resolve provides for legislative review of portions of Chapter 270: Uniform Reporting System for Health Care Quality Data Sets, a major substantive rule of the Maine Health Data Organization.

Enacted Law Summary

Resolve 2007, chapter 166 provides for legislative review of portions of Chapter 270: Uniform Reporting System for Health Care Quality Data Sets, a major substantive rule of the Maine Health Data Organization.

Resolve 2007, chapter 166 was enacted as an emergency measure effective March 25, 2008.

LD 2166 Resolve, Regarding Legislative Review of Portions of Chapter 294: Rules Governing the Qualifications for Local Health Officers, a Major Substantive Rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention **RESOLVE 165
EMERGENCY**

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

This resolve provides for legislative review of portions of Chapter 294: Rules Governing the Qualifications for Local Health Officers, a major substantive rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention.

Enacted Law Summary