

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.

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order of involuntary treatment is 120 days or the length of commitment, whichever is shorter, unless altered by review or order of the Superior Court on appeal or agreement of the patient's primary treating physician and the patient.

Committee Amendment "A" (S-445)

This amendment incorporates a fiscal note.

House Amendment "A" (H-886)

This amendment clarifies that involuntary treatment is limited to medication for mental illness and medication to manage side effects.

Enacted Law Summary

Public Law 2007, chapter 580 provides a process for a clinical review panel to review and make a determination regarding involuntary mental health treatment for a person who is involuntarily committed to a state mental health institute or a designated nonstate mental health institution. The law defines mental health treatment as medications for mental illness and laboratory testing and medication for managing the side effects. The law applies the same standards for ordering involuntary treatment as are currently applied by the District Court when a request for involuntary treatment is made as part of an application for involuntary commitment under the Maine Revised Statutes, Title 34-B, section 3864, subsection 7-A. The law provides for notice, a clinical review panel procedure and a decision by the clinical review panel. The clinical review panel includes at least one member who is licensed to prescribe medication relevant to the patient's treatment. The law specifies patient rights, including the right of assistance by a lay advisor or attorney and the right to attend meetings of the clinical review panel, to review documents reviewed by the panel, to question persons providing information to the panel, to present witnesses and to appeal decisions made in a designated nonstate mental health institution to the director of the Office of Adult Mental Health Services within the Department of Health and Human Services and to appeal all decisions to the Superior Court. The law specifies that the maximum time period for an order of involuntary treatment is 120 days or the length of commitment, whichever is shorter, unless altered by review or order of the Superior Court on appeal or agreement of the patient's primary treating physician and the patient.

Public Law 2007, chapter 580 was enacted as an emergency measure effective April 8, 2008.

LD 2218 An Act To Protect Children from Hazardous Lead-based Paint

PUBLIC 628

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUMMINGS MARRACHE	OTP-AM	H-921

This bill protects children from hazardous lead-based paint.

1. The bill authorizes use of the Lead Poisoning Prevention Fund for lead-safe housing and lead-safe renovation notification, inspection and enforcement.
2. The bill amends the provision of law that repeals the lead poisoning prevention fee on July 1, 2011.
3. The bill requires certain paint retailers, stores and commercial establishments to display posters and make brochures available to consumers warning of lead hazards.
4. The bill clarifies the activities covered by the requirements for residential lead abatement.
5. The bill provides a mechanism for the Department of Environmental Protection to maintain a registry of lead-safe

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pre-1978 residential dwellings.

6. The bill requires owners of leased residential dwellings to take reasonable precautions to ensure that the dwellings are free of lead-based paint hazards.
7. The bill provides confidentiality protections for certain lead poisoning and lead exposure information.
8. The bill requires the Department of Environmental Protection, the Maine State Housing Authority and the Department of Health and Human Services, Maine Center for Disease Control and Prevention to review issues related to achieving lead-safe housing and the elimination of childhood lead poisoning and to report to the joint standing committees of the Legislature having jurisdiction over health and human services matters and natural resources matters on the results of the review and recommendations, including proposed legislation to achieve lead-safe housing and lead poisoning prevention.

Committee Amendment "A" (H-921)

This amendment switches responsibility for producing posters and brochures warning of lead poisoning from the Department of Environmental Protection to the Department of Health and Human Services. It strikes portions of the bill that require annual self-inspection for lead dangers by owners of leased residential properties. The amendment retains language allowing an owner of a leased residential property to designate the property on a registry of lead-safe property maintained by the Department of Environment Protection. The amendment expands the scope of the report on lead-safe housing by the Department of Environmental Protection, the Maine State Housing Authority and the Department of Health and Human Services, Maine Center for Disease Control and Prevention. The amendment strikes those sections of the bill that require notice on renovations and remodeling and that grant an exemption to the notice requirement for renovations and remodeling by an owner who occupies the residential dwelling.

Enacted Law Summary

Public Law 2007, chapter 628 imposes on the Department of Health and Human Services the responsibility for producing posters and brochures warning of lead poisoning. The law allows an owner of a leased residential property to designate the property on a registry of lead-safe property maintained by the Department of Environment Protection. The law expands the scope of the report on lead-safe housing by the Department of Environmental Protection, the Maine State Housing Authority and the Department of Health and Human Services, Maine Center for Disease Control and Prevention.

LD 2242 An Act To Fund the Universal Childhood Immunization Program

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CONNOR MARRACHE	OTP-AM MAJ ONTP MIN	H-931

This bill establishes the Universal Childhood Immunization Program within the Department of Health and Human Services. The department is directed to include in the program those vaccines for childhood immunizations recommended by the United States Department of Health and Human Services, Centers for Disease Control and Prevention, Advisory Committee on Immunization Practices and designated for coverage by the federal Vaccines for Children Program. The bill establishes a dedicated account to effectuate the provisions of the program. The bill provides funds for the program from the Fund for a Healthy Maine.

Committee Amendment "A" (H-931)

This amendment: