

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

**STATE OF MAINE**  
123<sup>RD</sup> 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 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

screening result and audiologist appointment. The appointment must be scheduled and primary care provider notified prior to discharge, when possible.

### Enacted Law Summary

Public Law 2007, chapter 646 requires a birthing hospital, birthing center, hospital or other medical facility upon the approval of a parent of a newborn whose hearing is screened and receives a result of "refer," to schedule the newborn for a follow-up appointment with an audiologist and to notify the newborn's primary care provider in writing of the screening result and audiologist appointment. The appointment must be scheduled and primary care provider notified prior to discharge, when possible. The law also requires the Department of Health and Human Services' Newborn Hearing Program to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the results of its study of barriers to access to audiologists for the continued evaluation of hearing loss in newborns.

### LD 2296 An Act Regarding the Statewide Homeless Council

PUBLIC 600

Sponsor(s)

Committee Report

Amendments Adopted

This bill is submitted by the Joint Standing Committee on Health and Human Services after receipt of the report from the Statewide Homeless Council pursuant to Resolve 2007, chapter 131. The bill amends the Statewide Homeless Council laws to add as members the Commissioner of Corrections and the Commissioner of Health and Human Services and to add as a duty advising the Department of Corrections and the Department of Health and Human Services. The bill directs the Department of Health and Human Services to collect from each municipality emergency contact information for use by municipal residents in applying for assistance and to forward the municipal emergency contact information periodically to the statewide 2-1-1 telephone number designated pursuant to the Maine Revised Statutes, Title 35-A, section 7108.

### Enacted Law Summary

Public Law 2007, chapter 600 is submitted by the Joint Standing Committee on Health and Human Services after receipt of the report from the Statewide Homeless Council pursuant to Resolve 2007, chapter 131. The law amends the Statewide Homeless Council laws to add as members the Commissioner of Corrections and the Commissioner of Health and Human Services and to add as a duty advising the Department of Corrections and the Department of Health and Human Services. The law directs the Department of Health and Human Services to collect from each municipality emergency contact information for use by municipal residents in applying for assistance and to forward the municipal emergency contact information periodically to the statewide 2-1-1 telephone number designated pursuant to the Maine Revised Statutes, Title 35-A, section 7108.

### LD 2297 An Act To Establish a Method for Reporting Health Care-associated Infection Quality Data

PUBLIC 594

Sponsor(s)

Committee Report

Amendments Adopted

This committee bill requires the Maine Quality Forum to submit an annual report to the Legislature that includes health care-associated infection quality data and to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 30, 2009 with any recommendations for additional health care-associated infection quality data to be collected. It requires the Maine Quality Forum and the Department of Health and Human Services, Maine Center for Disease Control and Prevention to report to the joint standing committee of the Legislature having jurisdiction over health and human services on statewide collaborative

# Joint Standing Committee on Health and Human Services

efforts with health care infection control professionals in the State to control or prevent health care-associated infections and to make the information reported about the health care-associated infection quality data available to the citizens of the State through a variety of means, including, but not limited to, the Maine Quality Forum's publicly accessible website and the distribution of written reports and publications.

## Enacted Law Summary

Public Law 2007, chapter 594 requires the Maine Quality Forum to submit an annual report to the Legislature that includes health care-associated infection quality data and to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 30, 2009 with any recommendations for additional health care-associated infection quality data to be collected. It requires the Maine Quality Forum and the Department of Health and Human Services, Maine Center for Disease Control and Prevention to report to the joint standing committee of the Legislature having jurisdiction over health and human services on statewide collaborative efforts with health care infection control professionals in the State to control or prevent health care-associated infections and to make the information reported about the health care-associated infection quality data available to the citizens of the State through a variety of means, including, but not limited to, the Maine Quality Forum's publicly accessible website and the distribution of written reports and publications.

## LD 2301 An Act To Amend the Maine Certificate of Need Act of 2002

**PUBLIC 681  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		H-960 PERRY A S-661 ROTUNDO

This committee bill amends the Maine Certificate of Need Act of 2002 by making January 1st the date when the Commissioner of Health and Human Services must update the threshold amount for review to reflect the change in the Consumer Price Index medical index and clarifying that the Department of Health and Human Services may approve nursing facility Certificate of Need applications for capital expenditures for necessary renovations and improvements on an emergency basis.

### House Amendment "A" (H-960)

The bill changes from September 30th to January 1st the date by which the Commissioner of Health and Human Services annually updates the threshold amount for review and clarifies that since the annual update will occur by January 1, 2009, no annual update is required on September 30, 2008.

### Senate Amendment "A" (S-661)

This amendment clarifies that the Department of Health and Human Services emergency approval of a nursing facility Certificate of Need application may only be granted within existing appropriations for MaineCare's nursing facility program.

## Enacted Law Summary

Public Law 2008, chapter 681 amends the Maine Certificate of Need Act of 2002. It standardizes "January 1st" as the date when the commissioner must update the threshold amount for review to reflect the change in the Consumer Price Index medical index. Since this annual update will occur by January 1, 2009, no annual update is required on September 30, 2008. It defines emergency circumstances under which the department may approve nursing facility Certificate of Need applications for capital expenditures for necessary renovations and improvements. Such approvals may only be granted within existing appropriations for MaineCare's nursing facility program.

Public law 2007, 681 was enacted as an emergency measure effective April 23, 2008.