

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the First Regular Session of the 124th Maine Legislature coming from the

JOINT STANDING COMMITTEE ON HEALTH AND HUMAN SERVICES

July 2009

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STATE OF MAINE

124TH 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 First Regular Session of the 124th 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:

CARRIED OVER.....	Carried over to a subsequent session of the Legislature
CON RES XXX.....	Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE.....	Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....	House & Senate disagree; bill died
DIED IN CONCURRENCE.....	One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....	Action incomplete when session ended; bill died
EMERGENCY.....	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....	Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....	Bill failed to get majority vote
FAILED MANDATE ENACTMENT.....	Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY.....	Ruled out of order by the presiding officers; bill died
INDEF PP.....	Bill Indefinitely Postponed; bill died
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted; bill died
P&S XXX.....	Chapter # of enacted Private & Special Law
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 124th Legislature is September 12, 2009. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Health and Human Services

LD 19 An Act To Amend the Laws Regarding Public Rest Rooms

ONTP

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

This bill requires that all places of public accommodation that provide rest room facilities provide disposable toilet seat covers.

LD 67 An Act To Protect Maine's State Parks and State Historic Sites

**PUBLIC 65
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM	S-38

This bill prohibits smoking on the beaches in Maine's state parks.

Committee Amendment "A" (S-38)

This amendment adds definitions and amends the bill to prohibit smoking in, on or within 20 feet of a beach, playground, snack bar, group picnic shelter, business facility, enclosed area, public place or restroom in a state park or state historic site. The amendment requires the Maine Center for Disease Control and Prevention to erect signs and undertake public education initiatives regarding the prohibition to the extent of available resources.

Enacted Law Summary

Public Law 2009, chapter 65 prohibits smoking in, on or within 20 feet of a beach, playground, snack bar, group picnic shelter, business facility, enclosed area, public place or restroom in a state park or state historic site. The amendment requires the Maine Center for Disease Control and Prevention to erect signs and undertake public education initiatives regarding the prohibition to the extent of available resources.

Public Law 2009, chapter 65 was enacted as an emergency measure effective May 1, 2009.

LD 80 Resolve, Regarding Legislative Review of Portions of Chapter 33: Rules for the Certification of Family Child Care Providers, a Major Substantive Rule of the Department of Health and Human Services, Division of Licensing and Regulatory Services

**RESOLVE 8
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-8

This resolve provides for legislative review of portions of Chapter 33: Rules for the Certification of Family Child Care Providers, a major substantive rule of the Department of Health and Human Services, Division of Licensing

Joint Standing Committee on Health and Human Services

and Regulatory Services.

Committee Amendment "A" (H-8)

This amendment incorporates a fiscal note.

Enacted Law Summary

Resolve 2009, chapter 8 provides for authorization of portions of Chapter 33: Rules for the Certification of Family Child Care Providers, a major substantive rule of the Department of Health and Human Services, Division of Licensing and Regulatory Services. Chapter 33 governs the operation of the in-home child care programs including certification of the providers. Changes to Chapter 33 include fee increases, a change to a biennial licensing cycle, a new "operating without a certificate" provision, a limitation on reapplication after certificate denial or revocation, licensing changes to inspections and additional policies for swimming and wading activities.

Resolve 2009, chapter 8 was enacted as an emergency measure effective April 16, 2009.

LD 81 Resolve, Regarding Legislative Review of Portions of Chapter 10: Exemptions to the Ban on Flavored Cigarettes and Cigars, a Major Substantive Rule of the Office of the Attorney General

**RESOLVE 3
EMERGENCY**

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

This resolve provides for legislative review of portions of Chapter 10: Exemptions to the Ban on Flavored Cigarettes and Cigars, a major substantive rule of the Office of the Attorney General.

Enacted Law Summary

Resolve 2009, chapter 3 approves portions of Chapter 10: Exemptions to the Ban on Flavored Cigarettes and Cigars, a major substantive rule of the Office of the Attorney General. The rule was proposed to align the exemption rule with state law on exemption. The purposed rule provides a process for exemptions based on a determination by the Attorney General that the characterizing flavor is not one known to appeal or likely to appeal to youth.

Resolve 2009, chapter 3 was passed as an emergency measure effective March 6, 2009.

LD 99 An Act To Allow Authorization for the Release of HIV Information on a General Medical Information Release Form

ONTP

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

This bill allows the release of HIV infection status information when a person authorizes the release of general medical information and eliminates the requirement for a specific authorization to be signed at the time a person receives the results of an HIV test.