

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 electronic originals
(may include minor formatting differences from printed original)

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

MEMBERS:

SEN. JOSEPH C. BRANNIGAN, CHAIR
SEN. LISA T. MARRACHÉ
SEN. PETER MILLS

REP. ANNE C. PERRY, CHAIR
REP. PATRICIA JONES
REP. MARK EVES

REP. MATTHEW J. PETERSON
REP. LINDA F. SANBORN
REP. PETER C. STUCKEY

REP. SARAH O. LEWIN
REP. JAMES J. CAMPBELL, SR.
REP. HENRY L. JOY

REP. MEREDITH N. STRANG BURGESS
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

124TH LEGISLATURE
FIRST REGULAR SESSION



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 319 An Act To Track the Prevalence of Childhood Obesity in Maine

PUBLIC 407

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---|
| RANKIN ALFOND | OTP-AM MAJ ONTP MIN | H-130 S-164 BRANNIGAN S-324 DIAMOND |

This bill requires the Department of Health and Human Services, Maine Center for Disease Control and Prevention to create a protocol for all school nurses to follow in the collection of body mass index data from children and provide a method for uniform reporting to the department.

Committee Amendment "A" (H-130)

This amendment changes the bill by allowing trained screeners, in addition to school nurses, to collect body mass index data from students. It also allows a student to be exempt from this collection of data if the student's parent or guardian objects on religious or philosophical grounds. It makes the collection and reporting of data contingent upon the availability of federal funds. It also adds an appropriations and allocations section.

Senate Amendment "B" To Committee Amendment "A" (S-164)

This amendment provides that body mass index data collected by school administrative units are confidential except that data may be reported in the aggregate to the Department of Health and Human Services, Maine Center for Disease Control and Prevention. Data reported in this manner may not identify an individual student.

Senate Amendment "C" To Committee Amendment "A" (S-324)

This amendment removes the appropriations and allocations section from Committee Amendment "A."

Enacted Law Summary

Public Law 2009, chapter 407 requires the Department of Health and Human Services, Maine Center for Disease Control and Prevention to create a protocol for school nurses and trained screeners to follow in the collection of body mass index data from children and provide a method for uniform reporting to the department. It also allows a student to be exempt from this collection of data if the student's parent or guardian objects on religious or philosophical grounds. The law provides that body mass index data collected by school administrative units are confidential except that data may be reported in the aggregate to the Department of Health and Human Services, Maine Center for Disease Control and Prevention. Data reported in this manner may not identify an individual student. The collection and reporting of data by the school administrative units is contingent upon the availability of federal funds.

LD 320 Resolve, Regarding the Use of MaineCare for Catastrophic Illness

ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| TUTTLE | ONTP | |

Joint Standing Committee on Health and Human Services

This resolve requires the Department of Health and Human Services, through its office of MaineCare services, to apply for a Medicaid waiver to provide beginning April 1, 2010 MaineCare coverage for persons with physical disabilities who develop a catastrophic illness and requires a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 1, 2010 on the progress of the waiver application.

LD 321 An Act To Impose a State Residency Requirement for Eligibility for General Assistance **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| KNIGHT TRAHAN | ONTP | |

This bill requires that a person reside in the State for at least 90 days in order to qualify for municipal general assistance.

LD 322 An Act To Clarify the Prohibition on Payment for Health Care Facility Mistakes or Preventable Adverse Events **PUBLIC 31**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|----------------------|-------------------------|---------------------------|
| CROCKETT P BOWMAN | OTP | |

This bill clarifies that an employer, as defined under the Maine Workers' Compensation Act of 1992, may not be charged by a health care facility to correct a mistake or preventable adverse event caused by that health care facility.

Enacted Law Summary

Public Law 2009, chapter 31 clarifies that an employer, as defined under the Maine Workers' Compensation Act of 1992, may not be charged by a health care facility to correct a mistake or preventable adverse event caused by that health care facility.

LD 337 An Act Regarding Emergency Involuntary Admission of a Participant in the Department of Health and Human Services' Progressive Treatment Program to a State Mental Institute **PUBLIC 276**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| NUTTING J | OTP MAJ | |

This bill broadens the list of persons who are authorized to petition the District Court for rehospitalization of a participant in the progressive treatment program to include 2 categories of nurses who are already authorized to certify emergency hospitalization.

Enacted Law Summary

Public Law 2009, chapter 276 broadens the list of persons who are authorized to petition the District Court for