

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
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:

<i>CARRIED OVER</i>	<i>Carried over to a subsequent session of the Legislature</i>
<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 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

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

Joint Standing Committee on Health and Human Services

rehospitalization of a participant in the progressive treatment program to include 2 categories of nurses who are already authorized to certify emergency hospitalization.

LD 341 An Act To Amend the Department of Health and Human Services' Progressive Treatment Program

PUBLIC 321

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM A ONTP B OTP-AM C	S-197

This bill provides for an extension of up to 6 months of the period of participation in the Department of Health and Human Services' progressive treatment program for a person suffering from a severe and persistent mental illness who has been involuntarily committed to a state mental health institute and who has been participating in the progressive treatment program. This bill also changes the age for participating in the progressive treatment program from 21 years of age and older to 19 years of age and older.

Committee Amendment "A" (S-197)

This amendment lowers the minimum age for participation in the progressive treatment program to 18 years of age. The amendment provides the process by which the assertive community treatment team for a person in the progressive treatment program may apply to the District Court for one extension of participation for up to 6 months and the process by which the court makes a determination of whether to order an extension of participation.

Enacted Law Summary

Public Law 2009, chapter 321 lowers the minimum age for participation in the progressive treatment program to 18 years of age. The law provides the process by which the assertive community treatment team for a person in the progressive treatment program may apply to the District Court for one extension of participation for up to 6 months and the process by which the court makes a determination of whether to order an extension of participation.

LD 359 An Act To Ensure That MaineCare Reimbursements to Hospitals Do Not Pay For Hospital Advertisements

ONTP

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

This bill directs the Department of Health and Human Services to amend the MaineCare rules for reimbursement to hospitals to deduct from the reimbursement due to a hospital the cost paid by the hospital for advertisements for its inpatient care or treatment that were paid for during the applicable fiscal year. The rules, which must apply to hospital fiscal years beginning July 1, 2009 or after, are routine technical rules.