

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

area comply with the law.

LD 821 **An Act To Support Collection and Proper Disposal of Unwanted Drugs** **Carried Over**

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

This bill establishes a system to collect and safely dispose of unwanted drugs from households and other residential sources.

This bill was carried over to any special or regular session of the 124th Legislature by Joint Order, H.P. 1053. This bill was carried over to enable interested parties to work out alternative wording for the bill.

LD 854 **Resolve, Directing the Department of Health and Human Services To Create a New Health Care Internet Infrastructure** **ONTP**

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

This resolve directs the Department of Health and Human Services to create an Internet-based system to access data concerning the availability of nursing home beds.

The Health and Human Services Committee requested from the Department of Health and Human Services a report by January 15, 2010 on progress that the department is making on a health care internet infrastructure.

LD 865 **An Act To Change the Maine HIV Advisory Committee** **PUBLIC 203**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAREY BARTLETT	OTP-AM	H-243

This bill adjusts the statutory duties of the Maine HIV Advisory Committee to ensure that its activities are performed on behalf of those individuals in the State who are infected by, at risk for or affected by HIV and to provide a more proactive role for the committee regarding issues surrounding HIV. This bill removes funeral directors from the list of representatives that may be chosen to be on the Maine HIV Advisory Committee.

Committee Amendment "A" (H-243)

This amendment replaces the bill. It changes the duties of the Maine HIV Advisory Committee by adding budgeting to the areas on which the committee advises the Governor and other agencies and removing the annual assessment of budget proposals at state agencies related to HIV. It also changes the date by which the committee must report to the Governor and the Legislature from January 15th to January 31st. It reduces the size of the committee from 21 members to 19. It changes the composition of the committee membership to two members of the Legislature, five

Joint Standing Committee on Health and Human Services

state agency representatives, three members that have HIV or AIDS, two health care professionals, two HIV-related prevention or social services providers, a member of a state HIV community planning group, a representative of the statewide AIDS alliance, a representative of a statewide coordinating council for public health and two at-large members selected from certain specified groups. Members who represent state agencies are nonvoting members and serve only for the duration of the term of the commissioner of the agency each member represents. It removes the names of positions and offices no longer used and updates them with current names. It provides that those members currently serving on the committee continue to serve for the balance of their 3-year terms.

Enacted Law Summary

Public Law 2009, chapter 203 changes the duties of the Maine HIV Advisory Committee by adding budgeting to the areas on which the committee advises the Governor and other agencies and removing the annual assessment of budget proposals at state agencies related to HIV. It also changes the date by which the committee must report to the Governor and the Legislature from January 15th to January 31st. It reduces the size of the committee from 21 members to 19. It changes the composition of the committee membership to two members of the Legislature, five state agency representatives, three members that have HIV or AIDS, two health care professionals, two HIV-related prevention or social services providers, a member of a state HIV community planning group, a representative of the statewide AIDS alliance, a representative of a statewide coordinating council for public health and two at-large members selected from certain specified groups. Members who represent state agencies are nonvoting members and serve only for the duration of the term of the commissioner of the agency each member represents. It removes the names of positions and offices no longer used and updates them with current names. It provides that those members currently serving on the committee continue to serve for the balance of their 3-year terms.

Public Law 2009, chapter 203 has an effective date of October 1, 2009.

LD 877 Resolve, To Review the Maine Registry of Certified Nursing Assistants

RESOLVE 68

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLER	OTP-AM	H-259

Current law prohibits an individual from employment as a certified nursing assistant in certain settings if the individual has been convicted of a crime involving abuse, neglect or misappropriation of property in a health care setting. This bill amends the list of crimes that preclude an individual from employment as a certified nursing assistant in certain settings to add crimes involving sexual assault, domestic violence and stalking.

Committee Amendment "A" (H-259)

This amendment changes the bill to a resolve and changes the title. It directs the Department of Health and Human Services to convene a working group to examine and make recommendations for changes to the current law, which prohibits individuals with certain criminal convictions from employment as a certified nursing assistant in certain settings. The resolve requires the department to submit a report to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Criminal Justice and Public Safety by January 1, 2010. It authorizes the Joint Standing Committee on Health and Human Services to submit legislation to the Second Regular Session of the 124th Legislature.

Enacted Law Summary

Resolve 2009, chapter 68 directs the Department of Health and Human Services to convene a working group to examine and make recommendations for changes to the current law, which prohibits individuals with certain criminal convictions from employment as a certified nursing assistant in certain settings. It requires the department to submit a report to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee