

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

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

Joint Standing Committee on Health and Human Services

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.

LD 881 *Resolve, To Ensure the Health of Maine Children by Requiring a Certain Vaccination*

ONTP

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

This resolve requires the Department of Health and Human Services, Maine Center for Disease Control to amend its rules governing immunizations of school children to require vaccinations against meningococcal meningitis for students who are 11 years of age or older, beginning with the 2010-2011 school year.

The Joint Standing Committee on Health and Human Services requests by letter that the Maine Center for Disease Control and Prevention to convene a stakeholders group on childhood immunizations and report to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Education and Cultural Affairs by January 15, 2010. The letter requests that the report include findings and recommendations on: 1) other states' school mandated vaccines and criteria used for determining for mandates; 2) criteria agreed upon for use in Maine to determine which vaccines should be mandated for school attendance; 3) application of the criteria to all the childhood vaccines recommended by Advisory Committee on Immunization Practice; 4) recommendations (if any) for any additions to Maine's mandated vaccines for school attendance; 5) strategies to improve vaccination rates among school children; 6) a review of implementation strategies in Maine and other states for controlling disease outbreak in schools when unvaccinated children are enrolled and 7) a review of exemptions to school mandated vaccines in Maine and other states, how these are communicated to schools and parents and suggestions for any changes. The items covered in the letter address concerns raised in this bill and LD 424 as well as issues raised during deliberations of the Joint Standing Committee on Education and Cultural Affairs on LD 735.

LD 916 *An Act Regarding Trans Fat*

ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|---------------------------|
| WEBSTER MILLS P | ONTP | |

This bill defines "food containing artificial trans fat" and prohibits the storage, distribution or use of these foods in an eating establishment. It requires the owner or manager of an eating establishment to maintain labels or provide documentation to facilitate enforcement of the prohibition.

LD 939 *An Act To Amend the Laws Governing Assisted Living Programs*

ONTP

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