

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
124<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON HEALTH AND HUMAN  
SERVICES**

July 2009

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# STATE OF MAINE

124<sup>TH</sup> 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 124<sup>th</sup> 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 124<sup>th</sup> 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*

Outside funding must be approved by the Legislative Council and is to be administered by the Executive Director of the Legislative Council. This amendment also adds an appropriations and allocations section.

### **Enacted Law Summary**

Resolve 2009, chapter 136 establishes a task force to study issues concerning kinship families, which are families who are caring for a relative's child. The task force shall examine the issues facing kinship families and how state policies and practices can be crafted to meet their special needs. In examining this issue, the task force shall identify existing resources within the State for kinship families, determine the needs of kinship families and gaps in services, review legal and custody issues and concerns for kinship families and create strategies for sustaining and maintaining resources for kinship families. The resolve requires the task force to obtain outside funding to fund all costs associated with the task force. The resolve requires that the outside funding be approved by the Legislative Council and be administered by the Executive Director of the Legislative Council. The task force will report its findings and suggested legislation to the Joint Standing Committee on Health and Human Services, which is authorized to report out a bill.

Resolve 2009, chapter 136 was finally passed as an emergency measure effective June 17, 2009.

**LD 1116      An Act To Ensure Health Care Practitioners Understand and Screen for Domestic Abuse for Pregnant Women and New Mothers      ONTP**

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

This bill requires the Department of Health and Human Services, the Board of Licensure in Medicine, the Board of Osteopathic Licensure and the State Board of Nursing to develop policies and procedures and adopt any rules necessary to mandate the screening by health care practitioners of pregnant women and new mothers for domestic abuse. This bill requires that the practitioners educate these patients about domestic abuse services as well as attend training on domestic abuse, approved by the department and the Department of the Attorney General. The bill requires health care practitioners during a specific time segment designated for the purpose in each patient visit and in a private setting to assess the patient's risk of domestic abuse and to discuss concerns about domestic violence. The bill specifies the use of a nationally recognized domestic abuse risk and lethality assessment tool and requires the assessment to be part of regular hospital care for new mothers immediately following a birth and must include a specific time for the new mother to discuss any concerns about domestic abuse with a health care practitioner in a private setting. The bill requires practitioners to provide specific information about domestic abuse services available and to monitor each patient closely for signs and symptoms of abuse. It requires the practitioners to report the number and frequency of assessments and results of the assessments, absent the names of the parties, to the department. It requires the department to track the results statewide.

**LD 1117      An Act To Create a Statewide Breast-feeding Resource System at Women, Infants and Children Offices      ONTP**

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

This bill requires Women, Infants and Children, WIC, offices in Maine to provide written materials on breast-feeding, provide counseling on breast-feeding and provide breast pumps to any woman upon request,

## *Joint Standing Committee on Health and Human Services*

regardless of whether the woman is participating in the program.

**LD 1122      *Resolve, Regarding Legislative Review of Portions of Chapter 101:  
Establishment of the Capital Investment Fund, a Major Substantive  
Rule of the Governor's Office of Health Policy and Finance***

**RESOLVE 83  
EMERGENCY**

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

This resolve provides for legislative review of portions of Chapter 101: Establishment of the Capital Investment Fund, a major substantive rule of the Governor's Office of Health Policy and Finance.

**Enacted Law Summary**

Resolve 2009, chapter 83 provides for authorization of portions of Chapter 101: Establishment of the Capital Investment Fund, a major substantive rule of the Governor's Office of Health Policy and Finance. Chapter 101 establishes the process to be used in the determination of the amount of the Capital Investment Fund (CIF), which is a limit on what hospitals and other health care providers may spend on capital investment. This rule specifies the manner in which a value for the CIF will be calculated, how that amount will be allocated between hospital and non-hospital projects, as well as large and small projects subject to review under Maine's Certificate of Need Act and rules. This rule changes the effective CIF period from one year to three years. There will be a single year transition CIF in 2009, followed by a three-year CIF determined once every three years thereafter. This rule also revises debiting rules and the formula used to calculate the CIF.

Resolve 2009, chapter 83 was enacted as an emergency measure effective June 2, 2009.

**LD 1127      *An Act To Define Services for Maine Runaway and Homeless Youth***

**PUBLIC 155**

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

This bill repeals the youth in need of services program in the Maine Revised Statutes, Title 22, chapter 1071, subchapter 15 and establishes a comprehensive program for homeless youth and runaways. The bill requires the Department of Health and Human Services to implement the comprehensive program through performance-based contracts with organizations and agencies licensed by the department that provide street and community outreach, drop-in programs, emergency shelter and transitional living services. The bill specifies the type of services the program should provide and requires the department to collect data from its licensed organizations and agencies for quality assurance purposes and to monitor the success of the program as well as changes in the rates of homelessness among Maine's youth. The department is authorized to adopt routine technical rules as may be necessary for the effective administration of the program.

**Enacted Law Summary**

Public Law 155 repeals the youth in need of services program in the Maine Revised Statutes, Title 22, chapter 1071, subchapter 15 and establishes a comprehensive program for homeless youth and runaways. It requires the Department of Health and Human Services to implement the comprehensive program through performance-based contracts with organizations and agencies licensed by the department that provide street and community outreach,