

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

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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

individuals in long-term care facilities to determine if current reimbursement is adequate and reasonable for the provision of high-quality care for individuals with behavioral issues;

3. In conjunction with specified interested parties, including but not limited to representatives from long-term care facilities and hospitals, to develop and implement a standardized transfer protocol, which is detailed in the law and includes improving the support offered to long-term care facilities once a hospital has determined an individual is ready to be discharged back to a long-term care facility.
4. To review existing and potential payment sources for assessments and treatments that are currently unavailable to individuals with behavioral issues because the individuals do not have a diagnosis of severe and persistent mental illness.
5. To work with interested parties to explore the need for a supplementary level of care to accommodate the needs of individuals with behavioral issues who, because of the severity of their behaviors, are not appropriate candidates for return to an existing long-term care facility but who no longer require an acute hospital setting.
6. It requires the department to conduct the work within existing resources and to coordinate it with similar work addressing similar issues.
7. It requires the Department of Health and Human Services to report on all of this work by February 1, 2010 to the Joint Standing Committee on Health and Human Services.
8. It authorizes the Joint Standing Committee on Health and Human Services to submit legislation related to the standardized transfer protocol and improved discharge planning to the Second Regular Session of the 124th Legislature.

Resolve 2009, chapter 122 was enacted as an emergency measure effective June 10, 2009.

LD 1259 An Act To Increase Access to Nutrition Information

PUBLIC 395

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE BRANNIGAN	OTP-AM MAJ ONTP MIN	H-481 S-314 PERRY J

This bill requires a chain restaurant, which is a restaurant with the same trade name and the same type of food, meals and menus as 15 or more restaurants nationwide, to provide accurate calorie information on its menus, menu boards and food display labels for the food and beverage items it regularly sells, not including limited-time offers, condiments, items in sealed manufacturer's packaging with nutrition information or custom orders. The bill also requires a chain restaurant to state on its menu and menu boards: "To maintain a healthy weight, a typical adult should consume approximately 2,000 calories per day; however, individual calorie needs may vary." This bill allows a chain restaurant to state on its menu and menu boards: "Nutrition information is based upon standard recipes and product formulations; however, modest variations may occur due to differences in preparation, serving sizes, ingredients or special orders."

Committee Amendment "A" (H-481)

This amendment is the majority report of the committee. The amendment adds a definition for "calories per serving," amends the definition of "chain restaurant" by deleting reference to nationwide locations and extends the time period for limited time offerings to 60 days per year. It specifies the process for determining caloric content,

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allowing rounding of caloric values. It exempts from the definition of "chain restaurant" a hotel or motel that contains a separately owned eating establishment but applies the provisions of the bill to that separately owned eating establishment. It exempts food items provided at a self-service salad bar or buffet. It establishes a separate caloric labeling requirement for beer, wine and spirits. It specifies that enforcement is by the Attorney General against the owner or franchisee of the eating establishment and that there are no private remedies. The amendment provides an effective date of February 1, 2011.

Senate Amendment "B" To Committee Amendment "A" (S-314)

This amendment:

1. Adds movie theaters to the places that are not considered a chain restaurant;
2. Increases from 60 to 90 the number of days an item must appear on a menu before the chain restaurant is required to provide caloric information regarding that item;
3. Specifies that this legislation does not create any additional rights or liabilities; and
4. Asserts that state regulation of nutritional information by chain restaurants occupies the whole field of regulation and prohibits municipalities from enacting any ordinance regulating the dissemination of such information.

Enacted Law Summary

Public Law 2009, chapter 395 requires a chain restaurant, which is a restaurant with the same trade name and the same type of food, meals and menus as 20 or more restaurants at least one of which is in Maine, to provide accurate calorie information on its menus, menu boards and food display labels for the food and beverage items it regularly sells, not including limited-time offers, condiments, items in sealed manufacturer's packaging with nutrition information or custom orders. The law also requires a chain restaurant to state on its menu and menu boards: "To maintain a healthy weight, a typical adult should consume approximately 2,000 calories per day; however, individual calorie needs may vary." This law allows a chain restaurant to state on its menu and menu boards: "Nutrition information is based upon standard recipes and product formulations; however, modest variations may occur due to differences in preparation, serving sizes, ingredients or special orders."

The law provides a definition for "calories per serving," the law exempts limited time offerings to 90 days per year. It exempts from the definition of "chain restaurant" a movie theater and a hotel or motel that contains a separately owned eating establishment but applies the provisions of the bill to that separately owned eating establishment. It exempts food items provided at a self-service salad bar or buffet. It establishes a separate caloric labeling requirement for beer, wine and spirits. It specifies that enforcement is by the Attorney General against the owner or franchisee of the eating establishment and that there are no private remedies.

The law states that state regulation of nutritional information by chain restaurants occupies the whole field of regulation and prohibits municipalities from enacting any ordinance regulating the dissemination of such information.

The law takes effect February 1, 2011.

**LD 1260 An Act To Amend the Certificate of Need Act of 2002 for Nursing
Facility Projects**

PUBLIC 429

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L MARRACHE	OTP-AM	H-535