

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

ASPIRE-TANF program account from the TANF program account. It requires the department to establish maximum rates for child care beginning October 1, 2011.

LD 1417 An Act To Add Unlicensed Assistive Persons with Notations to the Maine Registry of Certified Nursing Assistants

PUBLIC 215

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

This bill authorizes the Department of Health and Human Services to investigate complaints against unlicensed assistive persons of abuse, neglect or misappropriation of property of a client, patient or resident in a home or health care setting. It requires the Maine Registry of Certified Nursing Assistants to list and include a notation to the unlicensed assistive person's listing on the registry when the department's decision becomes final that a complaint was substantiated. This is a limited expansion of the registry. The bill identifies the information that must be included in registry notations. It requires the department to notify an individual of the right to request a hearing to contest a finding that a complaint was substantiated and gives the individual the right to petition the department to have a finding of neglect removed from the registry if the finding of neglect is a one-time occurrence and there is no pattern of neglect. It identifies unlicensed assistive persons who may not be employed or placed by a licensed, certified or registered agency or facility and authorizes the department to adopt routine technical rules.

Enacted Law Summary

Public Law 2009, chapter 215 authorizes the Department of Health and Human Services to investigate complaints against unlicensed assistive persons of abuse, neglect or misappropriation of property of a client, patient or resident in a home or health care setting. It requires the Maine Registry of Certified Nursing Assistants to list and include a notation to the unlicensed assistive person's listing on the registry when the department's decision becomes final that a complaint was substantiated. This is a limited expansion of the registry and identifies specific information that must be included in registry notations. The law requires the department to notify an individual of the right to request a hearing to contest a finding that a complaint was substantiated and gives the individual the right to petition the department to have a finding of neglect removed from the registry if the finding of neglect is a one-time occurrence and there is no pattern of neglect. It identifies unlicensed assistive persons who may not be employed or placed by a licensed, certified or registered agency or facility and authorizes the department to adopt routine technical rules.

LD 1419 An Act To Implement Respectful Language Amendments

PUBLIC 299

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WEBSTER	OTP-AM	H-402

This bill makes several changes throughout the Maine Revised Statutes to avoid certain terms or phrases that might be construed as disrespectful. The terminology removed is replaced with more respectful alternatives that place people first. Part A removes the terms "common drunkard," "lunatic," "mentally deranged" and "senile" from the statutes and removes language that refers to persons being "afflicted" with a condition. Part B removes references to "mental retardation" and "mentally retarded" and changes the reference to "persons with developmental disabilities."

Committee Amendment "A" (H-402)

This amendment removes a section of the bill that changes terminology in the section of law related to licensing of

Joint Standing Committee on Health and Human Services

private mental hospitals. It removes all of Part B in the bill, which proposes to change references in law related to "mental retardation" to respectful terminology. The amendment directs the Department of Health and Human Services to review the statutes and identify the sections that use the terms "mental retardation" and "mentally retarded" and report recommendations for changes to the Joint Standing Committee on Health and Human Services. The amendment authorizes the Joint Standing Committee on Health and Human Services to submit a bill to the Second Regular Session of the 124th Legislature based on these recommendations.

Enacted Law Summary

Public Law 2009, chapter 299 makes several changes throughout the Maine Revised Statutes to avoid certain terms or phrases that might be construed as disrespectful. The terminology removed is replaced with more respectful alternatives that place people first. Part A removes the terms "common drunkard," "lunatic" and "senile" from the statutes and removes language that refers to persons being "afflicted" with a condition. Part B directs the Department of Health and Human Services to review the statutes and identify the sections that use the terms "mental retardation" and "mentally retarded" and report recommendations for changes to the Joint Standing Committee on Health and Human Services. The amendment authorizes the Joint Standing Committee on Health and Human Services to submit a bill to the Second Regular Session of the 124th Legislature based on these recommendations.

LD 1429 An Act To Strengthen the Workplace Smoking Laws and Other Laws Governing Smoking

PUBLIC 300

Sponsor(s)

MILLS P

Committee Report

OTP-AM

Amendments Adopted

S-177

This bill does the following:

1. It prohibits designated smoking areas indoors in places of employment and provides a definition of permitted outdoor designated smoking areas;
2. It repeals the laws on smoking in hospitals, nursing homes and jury rooms that differed from the public place and workplace laws;
3. It clarifies in the laws governing workplace smoking that "business facility" may include a private residence or unit or apartment within a residential facility during the period of time that the private residence or unit or apartment is a place of employment; and
4. It clarifies that "residential facility" means a facility licensed by the Department of Health and Human Services.

Committee Amendment "A" (S-177)

This amendment removes the provision of the bill relating to exposure to secondhand smoke being a nuisance and trespass.

Enacted Law Summary

Public Law 2009, chapter 300 does the following:

1. It prohibits designated smoking areas indoors in places of employment and provides a definition of permitted outdoor designated smoking areas;
2. It repeals the laws on smoking in hospitals, nursing homes and jury rooms that differed from the public place and workplace laws;