

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

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

July 2011

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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 LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 125th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD 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 LD is noted to the right of the LD title. The following describes the various final actions.

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; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public Law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 125th Legislature is September 28, 2011. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Health and Human Services

system operators.

LD 428 An Act To Fund Special Education Advocacy ONTP

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

This bill provides an appropriation directly to the Disability Rights Center, the State's designated protection and advocacy agency for persons with disabilities pursuant to the Maine Revised Statutes, Title 5, chapter 511. These funds must be used to provide advocacy services for children with disabilities in education-related matters.

LD 435 An Act To Improve the Rate of Organ and Tissue Donation by PUBLIC 168
Establishing the Organ Donation Advisory Council EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY	OTP-AM	S-57

This bill repeals a volunteer advisory committee to provide information and advice regarding anatomical gifts and replaces it with an appointed advisory council to advise the State on improving the rate of organ and tissue donation.

Committee Amendment "A" (S-57)

The amendment moves the Organ Donation Advisory Council in Title 5 from general government boards to the section on boards and commissions that are advisory with minimal authority. It clarifies the appointing authority of the members of the council and removes the requirement for some members to be confirmed by the Joint Standing Committee on Health and Human Services and the Senate. It appoints 4 members of the council to a 2-year initial term to allow for staggered terms of membership. It adds an emergency preamble and clause to the bill.

Enacted Law Summary

Public Law 2011, chapter 168 repeals a volunteer advisory committee to provide information and advice regarding anatomical gifts and replaces it with the Organ Donation Advisory Council consisting of 10 members appointed for three year terms to advise the State on improving the rate of organ and tissue donation.

Public Law 2011, chapter 168 was enacted as an emergency measure effective May 30, 2011.

LD 443 An Act To Require Prompt MaineCare Decisions on Care for Children PUBLIC 35
with Life-threatening Conditions

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL C BRANNIGAN	OTP-AM	H-51

Joint Standing Committee on Health and Human Services

This bill requires the Department of Health and Human Services to make decisions approving or disapproving MaineCare care or services for children with life-threatening conditions within one working day of receiving the complete request or order.

Committee Amendment "A" (H-51)

This amendment clarifies that the request for MaineCare care or services must be an urgent request from the health care provider or providers.

Enacted Law Summary

Public Law 2011, chapter 35 requires the Department of Health and Human Services to make decisions approving or disapproving urgent requests for MaineCare care or services for children with life-threatening conditions within one working day of receiving the complete request or order.

LD 452 An Act To Provide MaineCare Reimbursement for Pastoral Counselors ONTP

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

This bill requires the Department of Health and Human Services to provide reimbursement under the MaineCare program for services provided by a licensed pastoral counselor beginning January 1, 2012.

LD 466 An Act To Require Hospitals To Adopt Employee Illness and Injury Prevention Programs and To Provide Lift Teams and To Require Reduced Workers' Compensation Insurance Rates for those Hospitals ONTP

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

This bill requires hospitals to adopt illness and injury prevention programs that include training in lifting patients and in the use of lifting equipment and the use of at least one lift team on each shift beginning January 1, 2012. The bill protects employees from disciplinary action in certain circumstances. The bill provides for a reduction in workers' compensation insurance rates for a hospital that provides lift teams and lifting equipment beginning with policies issued or renewed on July 1, 2012.

LD 472 An Act To Enhance the Security of Hospital Patients, Visitors and Employees PUBLIC 254

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CELLI	OTP-AM	H-360