

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
125<sup>TH</sup> 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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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 125<sup>th</sup> 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 125<sup>th</sup> 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***

**LD 531      An Act To Specify Qualifications for the Director of the Office of Adult Mental Health Services within the Department of Health and Human Services      VETO SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN CRAVEN	OTP MAJ ONTP MIN	

This bill specifies that when the director of the Office of Adult Mental Health Services within the Department of Health and Human Services is not a psychiatrist licensed pursuant to the Maine Revised Statutes, Title 32, chapter 56, subchapter 2, the Commissioner of Health and Human Services shall appoint a psychiatrist licensed pursuant to Title 32, chapter 56, subchapter 2 as a chief for clinical services.

**LD 539      An Act To Build Accountability into the General Assistance Laws      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS HASTINGS	ONTP	

This bill makes both initial and repeat applicants for general assistance who voluntarily abandon government or private resources without just cause ineligible to receive general assistance to replace the abandoned assistance for a period of 120 days from the date the applicant abandons the resource. The bill also makes an applicant who forfeits government or private resources due to fraud, misrepresentation or intentional violation or refusal to comply with program rules without just cause ineligible to receive general assistance to replace the forfeited assistance for the duration of the forfeiture or 120 days, whichever is greater. Current law provides that an applicant who forfeits government resources is ineligible to receive general assistance for the duration of the forfeiture.

**LD 547      Resolve, Directing the Maine Center for Disease Control and Prevention To Conduct a Review of Wood Smoke Laws      VETO SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY	OTP-AM	H-407 S-296 CRAVEN

This resolve directs the Department of Health and Human Services, Maine Center for Disease Control and Prevention to examine the current public health nuisance laws and enforcement procedures to determine if they are sufficient to protect the public. The department is directed to convene a stakeholder group to identify problems with current public health nuisance laws and the enforcement of those laws and make recommendations for improvement to the Joint Standing Committee on Health and Human Services by November 30, 2011.

**Committee Amendment "A" (H-407)**

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

This amendment narrows the scope of the stakeholder group from public health nuisance laws to laws relating to wood smoke. It requires the Statewide Coordinating Council for Public Health, supported by the Department of Health and Human Services, Maine Center for Disease Control and Prevention, to assemble a stakeholder group to examine the current laws relating to the control of wood smoke and enforcement procedures to determine if they are sufficient to protect the public. The stakeholder group shall include the Department of Environmental Protection and the Maine Center for Disease Control and Prevention, public health organizations, environmental health experts, municipal officials and affected members of the public. The stakeholder group shall report to the Joint Standing Committee on Health and Human Services by January 1, 2012.

**Senate Amendment "A" (S-296)**

This amendment removes the emergency preamble and emergency clause.

**LD 560      Resolve, To Increase the Effectiveness of Accessibility Requirements for      **ONTP**  
**Persons with Disabilities****

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

This resolve requires the Department of Health and Human Services and the Department of Administrative and Financial Services to convene a working group to study increasing the effectiveness of accessibility requirements for persons with disabilities for public buildings, public accommodations, restaurants and eating establishments, colleges and hospitals. The departments are required to provide staffing assistance to the working group and to report to the Legislature with recommendations for suggested legislation by November 1, 2011.

**LD 572      An Act To Amend the Laws Governing the Maine Health Data      **PUBLIC 233**  
**Organization Relating to Retail Pharmacies****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO	ONTP MAJ OTP-AM MIN	S-138

This bill removes retail pharmacies from the list of entities funding and reporting to the Maine Health Data Organization.

**Committee Amendment "A" (S-138)**

This amendment, which is the minority report of the committee, incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2011, chapter 233 removes retail pharmacies from the list of entities funding and reporting to the Maine Health Data Organization.