

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

LD 683 An Act To Enhance Long-term Care Services for Maine Citizens

PUBLIC 422

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PETERSON MCCORMICK	OTP-AM	H-502

This bill reorganizes the provision of long-term care services for Maine citizens. It consolidates long-term care services and provides a framework for consolidated in-home and community support services and nursing facility services with combined funding and integrated service delivery. It requires the Department of Health and Human Services to administer long-term care accounts as one account with one budget. By November 1, 2012, the Department of Health and Human Services is required to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding the progress in implementing consolidation of long-term care services. The bill requires a report by January 1, 2012 from the Department of Health and Human Services to the same joint standing committee regarding the inclusion of services for persons with mental health needs and intellectual disabilities needs in the consolidation of long-term care services in fiscal years 2013-14 and 2014-15.

Committee Amendment "A" (H-502)

This amendment changes the implementation date of the consolidation of state-funded long-term care services in the bill from January 1, 2012 to July 1, 2012. It requires an interim report on progress by January 5, 2012 as well as by November 1, 2012, which is in the bill. Instead of requiring a report by January 1, 2012 on the inclusion of services for persons with mental health needs and intellectual disabilities needs, it requires a report by January 5, 2012 on the feasibility of the inclusion of those services.

Enacted Law Summary

Public Law 2011, chapter 422 reorganizes the provision of long-term care services for Maine citizens. It consolidates long-term care services and provides a framework for consolidated in-home and community support services and nursing facility services with combined funding and integrated service delivery beginning July 1, 2012. It requires the Department of Health and Human Services to administer long-term care accounts as one account with one budget. The law requires the Department of Health and Human Services to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding the progress in implementing consolidation of long-term care services, with a progress report by January 5, 2012 and a final report by November 1, 2012. The bill requires a report by January 1, 2012 from the Department of Health and Human Services to the same joint standing committee regarding the feasibility of inclusion of services for persons with mental health needs and intellectual disabilities needs in the consolidation of long-term care services in fiscal years 2013-14 and 2014-15.

LD 694 An Act To Encourage Transparency in Disclosing the Ingredients in Vaccinations for Children to Parents and Guardians

**MAJORITY
(ONTP) REPORT**

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

Joint Standing Committee on Health and Human Services

This bill requires a health care provider or clinic staff person to, prior to immunizing a person under 18 years of age, disclose the ingredients of the immunizing agent or agents to the parent or guardian of the child. It also requires the health care provider or clinic staff person to notify the parent or guardian of the option of refusing immunization of the child based on religious or philosophical beliefs.

LD 702 An Act To Prevent HIV Transmission from a Pregnant Mother to a Child

PUBLIC 229

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS CRAVEN	OTP-AM MAJ ONTP MIN	H-283

This bill provides for mandatory testing for HIV status as part of a standard set of medical tests for a pregnant woman or a woman being tested for pregnancy. The bill allows a woman to refuse an HIV test and requires documentation in the woman's medical record if she refuses an HIV test. The bill requires HIV testing of certain newborn infants.

Committee Amendment "A" (H-283)

This amendment removes the requirement in the bill for a health care provider to provide an HIV test when testing a woman for pregnancy. It adds an exemption for a parent to object to an HIV test on a newborn infant on religious grounds. It changes the requirement in the bill for a newborn infant to be tested within 48 hours after birth to the requirement that the test results on a newborn be made available within 12 hours after birth.

Enacted Law Summary

Public Law 2011, chapter 229 provides for mandatory testing for HIV status as part of a standard set of medical tests for a pregnant woman. The bill allows a woman to refuse an HIV test and requires documentation in the woman's medical record if she refuses an HIV test. The bill requires HIV testing of certain newborn infants except that a parent may object to an HIV test on religious grounds.

LD 703 An Act To Amend the Laws Governing Licensure Compliance Methods for Camping Areas, Recreational Camps, Youth Camps and Eating Establishments

PUBLIC 375

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS CRAVEN	OTP-AM	H-539

This bill changes the number of inspections covered by the license fee for an application for or the renewal of a license to operate an eating establishment, eating and lodging place, lodging place, recreational camp, youth camp or camping area from two to one. After the initial inspection and one follow-up inspection, there is a charge for each additional inspection to determine an applicant's eligibility for licensure. In addition, the bill permits the Department of Health and Human Services to determine licensure compliance by inspection or other method as determined by the department.

Committee Amendment "A" (H-539)

This amendment requires the inspection of a licensed establishment at least once every two years instead of at least once a year as proposed in the bill.