

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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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 1224 An Act To Fund the Screening and Early Detection Elements of the
Statewide Cancer Plan**

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS RAYE	OTP-AM MAJ ONTP MIN	H-322

This bill provides funding for the comprehensive cancer screening and detection elements of the statewide cancer prevention and control program by providing an ongoing appropriation from the Fund for a Healthy Maine.

Committee Amendment "A" (H-322)

This amendment is the majority report of the committee. It removes as the funding source the Fund for a Healthy Maine and specifies in law that the funding level is \$2,000,000 per year. The amendment adds an appropriation of \$2,000,000 for fiscal year 2011-12 and \$2,000,000 for fiscal year 2012-13 from the General Fund.

This bill died on the appropriations table on adjournment.

**LD 1230 An Act To Prohibit Smoking in Private Clubs Except in Separate
Enclosed Areas**

**MAJORITY
(ONTP) REPORT**

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

Current law allows smoking in private clubs, such as those operated by fraternal orders or veterans' organizations, under certain conditions, such as when approved by a vote of the members of the club. This bill prohibits smoking in private clubs except in designated outdoor smoking areas and enclosed indoor areas designed to prevent the escape of smoke into the rest of the club.

**LD 1252 Resolve, To Develop a Plan To Improve Public Guardianship Services to
Adults with Cognitive Disabilities**

RESOLVE 80

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN	OTP-AM	S-222

This resolve requires the Maine Developmental Disabilities Council to convene a stakeholder group to establish a working plan to provide public guardianship for adults with cognitive disabilities. The council is required to identify the necessary statutory changes and steps to implement a permanent guardianship program operated by an independent entity and make recommendations by January 15, 2012 to the Joint Standing Committee on Health and Human Services, which is authorized to submit a bill implementing the program.

Committee Amendment "A" (S-222)

Joint Standing Committee on Health and Human Services

This amendment adds to the findings of the stakeholder group the fiscal implications of any necessary statutory changes.

Enacted Law Summary

Resolve 2011, chapter 80 requires the Maine Developmental Disabilities Council to convene a stakeholder group to establish a working plan to provide public guardianship for adults with cognitive disabilities. The council is required to identify the necessary statutory changes and steps to implement a permanent guardianship program operated by an independent entity and to make findings on the fiscal implications of any necessary statutory changes and to make recommendations by January 15, 2012 to the Joint Standing Committee on Health and Human Services, which is authorized to submit a bill implementing the program.

LD 1263 An Act To Establish One State Psychiatric Hospital

ONTP

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

This bill combines the two state mental health institutes, now referred to as the state psychiatric hospital, to be licensed and operated as one hospital under state law and federal accreditation standards. The bill clarifies that there is one superintendent for the one hospital, but that two campuses continue to be operated at the Riverview Psychiatric Center and at the Dorothea Dix Psychiatric Center. With the establishment of one hospital with two campuses, the commissioner has the authority to assign the hospital's employees to work at either campus, depending upon the hospital's need for staffing as it varies from time to time between the two campuses. This bill also corrects cross-references.

LD 1270 Resolve, To Convene a Task Force To Study Staffing Ratios and Issues for Nursing Homes and Residential Care Facilities

ONTP

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

This resolve directs the Commissioner of Health and Human Services to convene a task force to review the development of new criteria to be used in establishing revised staffing ratios for nursing homes and residential care facilities in the State, specifically reviewing the option of a new category of care workers qualified and certified to provide certain staffing services in both types of facilities. The commissioner is required to report the findings of the task force along with any recommended legislation to the Joint Standing Committee on Health and Human Services.