

# 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 1537**

**An Act To Amend Licensing and Certification Laws Administered by  
the Department of Health and Human Services**

**PUBLIC 257**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS CRAVEN	OTP-AM	H-359

This bill requires the Department of Health and Human Services to classify a finding, after an investigation of a complaint of abuse, neglect or misappropriation of property of a client, patient or resident against an unlicensed assistive person, as an unsubstantiated finding or as either an indicated or substantiated finding based on the level of abuse, neglect or misappropriation found by the department.

An unsubstantiated or indicated finding is not listed as a notation on the Maine Registry of Certified Nursing Assistants and Direct Care Workers, whereas complaints that are substantiated are listed as notations on the registry. The department is required to establish criteria by rule to determine the level of abuse, neglect or misappropriation that warrants a finding that the complaint is indicated or substantiated.

The bill clarifies that current hospital, convalescent home and nursing home licensing renewal fees are calculated by taking the amount of the renewal fee per bed multiplied by the number of beds in the facility and multiplying that product by the number of years included in the term of the renewed license.

This bill updates the laws concerning the licensing of end-stage renal disease facilities. It changes the frequency of end-stage renal disease facility surveys from every year to every 24 months.

**Committee Amendment "A" (H-359)**

This amendment adds the phrase "or other services" to the duties of unlicensed assistive persons and direct care workers. The bill proposes to change the minimum survey requirement for licensure of a renal dialysis unit from 12 to 24 months. The amendment sets the time period within which a survey must have occurred at 36 months.

**Enacted Law Summary**

Resolve 2011, chapter 257 requires the Department of Health and Human Services to classify a finding, after an investigation of a complaint of abuse, neglect or misappropriation of property of a client, patient or resident against an unlicensed assistive person, as an unsubstantiated finding or as either an indicated or substantiated finding based on the level of abuse, neglect or misappropriation found by the department.

An unsubstantiated or indicated finding is not listed as a notation on the Maine Registry of Certified Nursing Assistants and Direct Care Workers, whereas complaints that are substantiated are listed as notations on the registry.

The department is required to establish criteria by rule to determine the level of abuse, neglect or misappropriation that warrants a finding that the complaint is indicated or substantiated.

The law clarifies that current hospital, convalescent home and nursing home licensing renewal fees are calculated by taking the amount of the renewal fee per bed multiplied by the number of beds in the facility and multiplying that product by the number of years included in the term of the renewed license.

This law updates the laws concerning the licensing of end-stage renal disease facilities and changes the minimum survey requirement for licensure of a renal dialysis unit from 12 to 24 months. It changes the frequency of end-stage renal disease facility surveys from every year to every 36 months.