

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 1548 An Act To Update and Improve Maine's Laws Pertaining to the Rights of Persons with Intellectual Disabilities

PUBLIC 186

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| BRANNIGAN | OTP | |

This bill amends the laws regarding the rights of persons with intellectual disabilities. It provides a legal mechanism for Maine courts to limit a person's rights if the person is found not competent to stand trial or not guilty by reason of mental incapacity. It permits the Department of Health and Human Services to adopt routine technical rules that clarify when a guardian may limit, waive or restrict a person's rights and basic protections. It permits persons receiving services to organize residential councils to enhance communication between providers and residents. It clarifies the use of the terms "restraint" and "seclusion."

The bill also directs the Department of Health and Human Services and the Maine Developmental Disabilities Council, with the participation of the Disability Rights Center and the assistance of the Revisor of Statutes, to review the Maine Revised Statutes and identify the sections that use the terms "mental retardation" and "mentally retarded" and report recommendations for changes, including proposed legislation, to the Joint Standing Committee on Health and Human Services. The bill authorizes the committee to submit legislation to the Second Regular Session of the 125th Legislature based on these recommendations.

Enacted Law Summary

Public Law 2011, chapter 186 amends the laws regarding the rights of persons with intellectual disabilities. It provides a legal mechanism for Maine courts to limit a person's rights if the person is found not competent to stand trial or not guilty by reason of mental incapacity. It permits the Department of Health and Human Services to adopt routine technical rules that clarify when a guardian may limit, waive or restrict a person's rights and basic protections. It permits persons receiving services to organize residential councils to enhance communication between providers and residents. It clarifies the use of the terms "restraint" and "seclusion."

The law also directs the Department of Health and Human Services and the Maine Developmental Disabilities Council, with the participation of the Disability Rights Center and the assistance of the Revisor of Statutes, to review the Maine Revised Statutes and identify the sections that use the terms "mental retardation" and "mentally retarded" and report recommendations for changes, including proposed legislation, to the Joint Standing Committee on Health and Human Services. The law authorizes the committee to submit legislation to the Second Regular Session of the 125th Legislature based on these recommendations.

LD 1558 Resolve, To Study Allocations of the Fund for a Healthy Maine

RESOLVE 112

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| | OTP-AM MAJ OTP MIN | H-417 S-336 COURTNEY |

This resolve implements one recommendation for legislative action found in the report on Fund for a Healthy Maine programs submitted by the Office of Program Evaluation and Government Accountability in October 2009. The original allocations from the fund to various health efforts were established more than 10 years ago and have

Joint Standing Committee on Health and Human Services

remained relatively consistent. This resolve establishes a commission tasked with reviewing whether allocations of the fund are properly aligned with the State's current public and preventive health priorities, strategies and goals and recommending adjustments to allocations as necessary.

Committee Amendment "A" (H-417)

This amendment is the majority report of the committee. It changes the membership of the resolve's Commission To Study Allocations of the Fund for a Healthy Maine. It makes a minor clarification in the section on the duties of the commission and requires state agencies to provide information and data to the commission.

Senate Amendment "A" To Committee Amendment "A" (S-336)

This amendment transfers \$6,960 from the Office of Program Evaluation and Government Accountability to fund the costs of the study to be done by the Commission To Study Allocations of the Fund for a Healthy Maine.

Enacted Law Summary

Resolve 2011, chapter 112 implements one recommendation for legislative action found in the report on the Fund for a Healthy Maine programs submitted by the Office of Program Evaluation and Government Accountability in October 2009. The original allocations from the fund to various health efforts were established more than 10 years ago and have remained relatively consistent. This resolve establishes a commission tasked with reviewing whether allocations of the fund are properly aligned with the State's current public and preventive health priorities, strategies and goals and recommending adjustments to allocations as necessary. The resolve requires state agencies to provide information and data to the commission and transfers \$6,960 from the Office of Program Evaluation and Government Accountability to fund the costs of the study.

LD 1581 Resolve, Regarding Legislative Review of Portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 50: Principles of Reimbursement for Intermediate Care Facilities for the Mentally Retarded, a Major Substantive Rule of the DHHS

**RESOLVE 97
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This resolve provides for legislative review of portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 50: Principles of Reimbursement for Intermediate Care Facilities for the Mentally Retarded, a major substantive rule of the Department of Health and Human Services.

Enacted Law Summary

Resolve 2011, chapter 97 provides for legislative review of portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 50: Principles of Reimbursement for Intermediate Care Facilities for the Mentally Retarded, a major substantive rule of the Department of Health and Human Services.

Resolve 2011, chapter 97 was passed as an emergency measure effective June 21, 2011.