MAINE STATE LEGISLATURE

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STATE OF MAINE

126TH LEGISLATURE

SECOND REGULAR SESSION

Summaries of bills, adopted amendments and laws enacted or finally passed

JOINT STANDING COMMITTEE ON HEALTH AND HUMAN SERVICES

May 2014

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126TH LEGISLATURE

SECOND REGULAR SESSION

LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

The *Digest* is arranged 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.

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 Second Regular Session of the 126th Legislature is August 1, 2014. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

This bill requires the Commissioner of Health and Human Services to make psychiatric hospitalization available to a person with mental illness who is experiencing a psychiatric crisis and who has been determined by a health care practitioner to be in need of hospitalization.

LD 1031	**Resolve, Directing the Department of Health and Human Services To Review the Use of Restraint and Seclusion at Mental Health Institutes**		**RESOLVE 91**

Sponsor(s)	Committee Report	Amendments Adopted
SIROCKI	OTP-AM	H-610

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill requires the Commissioner of Health and Human Services to establish a procedure for reviewing the use of restraint and seclusion for children receiving services in a hospital or children's home, including a mandatory review process for the repeated use of restraint or seclusion. It also adds a physician, other than the attending physician, to the review team that reviews behavior modification and behavior management programs for children under 18 years of age.

Committee Amendment "A" (H-610)

This amendment replaces the bill with a resolve. It directs the Commissioner of Health and Human Services to review the use of restraint and seclusion in state mental health institutes and nonstate mental health institutions. The commissioner is required to report the findings and recommendations of the review to the Joint Standing Committee on Health and Human Services no later than November 1, 2014. The commissioner is also required to invite members of the disability rights advocacy community to discuss the findings of the report and possible policy changes no later than November 15, 2014.

Enacted Law Summary

Resolve 2013, chapter 91 directs the Commissioner of Health and Human Services to review the use of restraint and seclusion in state mental health institutes and nonstate mental health institutions. The commissioner is required to report the findings and recommendations of the review to the Joint Standing Committee on Health and Human Services no later than November 1, 2014. The commissioner is also required to invite members of the disability rights advocacy community to discuss the findings of the report and possible policy changes no later than November 15, 2014.

LD 1047	**Resolve, To Provide a Better Transition for Foster Children to Independent Adulthood**		**ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BERRY	ONTP	
KATZ		

This resolve was carried over from the First Regular Session of the 126th Legislature.

This resolve directs the Commissioner of Health and Human Services to review and analyze services for persons in foster care making the transition to independent adulthood, including services provided under a voluntary extended support agreement, also known as a V9 agreement. The commissioner is required to submit a report containing the results of the review and analysis to the Joint Standing Committee on Health and Human Services by January 15, 2014, and the committee is authorized to submit a bill regarding the report to the Second Regular Session of the 126th Legislature.