

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON HEALTH AND
HUMAN SERVICES**

August 2017

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LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 128th 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. An appendix provides a summary of relevant session statistics.

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 128th Legislature is Wednesday, November 1, 2017. 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

15, 2017 to December 2, 2017.

4. It adds an appropriations and allocations section.

House Amendment "A" To Committee Amendment "A" (H-514)

This amendment amends Committee Amendment "A" to limit increases for nursing facilities so as not to exceed federally established upper payment limits.

This amendment was not adopted.

House Amendment "B" To Committee Amendment "A" (H-529)

This amendment incorporates the changes made by House Amendment "A" to Committee Amendment "A," removes the emergency preamble and emergency clause and changes the reporting deadline for the Commission To Study Long-term Care Workforce Issues.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 1474 An Act To Reduce the Regulation of Child Care Facilities

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ESPLING E BRAKEY E		

This bill makes a number of changes to the child care system in the State.

1. It repeals Public Law 2011, chapter 380, Part UU, which set the child care subsidy payment rates of the Department of Health and Human Services at the 50th percentile of local market rates. This bill increases the payment rates to the 75th percentile of local market rates for payments the department makes on behalf of recipients of benefits under the child care subsidy program, recipients of benefits under TANF and recipients of benefits under ASPIRE-TANF.

2. It allows recipients of child care subsidies to pay the difference out of pocket between the amount of subsidy received and the amount charged by the child care provider.

3. It exempts from licensure family child care providers, nursery schools and small child care facilities that care for fewer than five children. Current law maintains this exemption for fewer than three children.

4. It establishes a five-year license and certification for child care providers that have been continuously in business without compliance violations. The cost of a five-year license or certification is 150% of the current two-year license or certification.

5. It specifies that when an inspection is prompted by a complaint the investigator may investigate only the specific complaint and not conduct an inspection that is unrelated to the complaint.

6. It removes the authority of the department to post complaints and investigation results on the department's website.

7. It establishes the Child Care Appeal Review Panel to review disputes related to the licensing and certification of child care facilities. This includes revocations, suspensions, denials, demotions to conditional status, rule compliance issues and denials of requests for alternative compliance methods. The review panel members are

Joint Standing Committee on Health and Human Services

appointed by the Governor for five-year terms. The director of the office of licensing and regulatory services within the department is the chair of the panel but does not vote. The Office of the Attorney General provides legal counsel to the review panel. The department is required to abide by decisions made by the review panel.

8. It allows a child care provider to employ on a provisional basis an employee for 90 days before receiving a background check report from the Background Check Center.

9. It requires the department to develop a sliding scale plan to allow recipients of child care subsidies to keep part of the subsidy for a period of time after the recipient earns sufficient income to no longer be eligible for the subsidy. The Joint Standing Committee on Health and Human Services is authorized to report out a bill relating to eliminating the so-called welfare cliff with respect to child care subsidies after receiving the plan.

10. It requires the department to make a number of changes to rules governing licensed child care facilities and certified family child care providers regarding staff-child ratios, qualifications of staff, providing inspection reports to facilities at the time of inspection, removing requirements for references for owners and staff, removing requirements of spare clothing and removing specific requirements for the type of food provided.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

**LD 1475 An Act To Reduce Child Poverty by Leveraging Investments in Families
 Today**

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON S MAKER J	OTP-AM ONTP OTP-AM	

This bill makes the following changes to the laws governing public assistance. The bill is intended to help alleviate poverty and hardship among families with children through increased employment, earnings, education and training and the provision of support and individualized services for those with particular barriers to employment. The bill does the following.

1. It requires the Department of Health and Human Services to collect data to measure the status of child and family economic security and establish benchmarks on an annual basis to monitor year-to-year improvement in the well-being of families with children in the State.
2. It directs the Department of Health and Human Services to increase access to high-quality child care services by establishing rates that are equal to the 75th percentile of local market rates for various categories of child care and higher rates for children with special needs.
3. It establishes a voucher program to improve housing stability and reduce risk of homelessness through the Maine State Housing Authority. The voucher program provides housing assistance in the form of a voucher to Temporary Assistance for Needy Families and TANF transitional families whose shelter expenses equal or exceed 50% of their monthly income.
4. It amends the alternative aid provisions to help families facing an emergency that threatens their ability to get or keep a job by extending program eligibility to two-parent families, requiring that assistance be provided more promptly and modifying the amount of aid that may be available to address an emergency.
5. It provides an increase in the monthly TANF maximum benefit. It requires that Maine's TANF benefit equal the average TANF benefit in other New England states.