

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
129<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**

August 2019

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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 129<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. 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 129<sup>th</sup> Legislature is Thursday, September 19, 2019. 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*

Legislature on the Special Appropriations Table by joint order, H.P. 1322.

**LD 336      An Act To Require That Notice of Lead Abatement Orders Be Filed with  
the Registry of Deeds**

**PUBLIC 100**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLOUTIER K CLAXTON N	OTP-AM	H-136

This bill requires the Department of Health and Human Services to file a notice of the existence of an environmental lead hazard in the registry of deeds in the county in which the relevant property is located. It also requires the department to file a notice in the registry of deeds when the department determines that the environmental lead hazard no longer exists.

**Committee Amendment "A" (H-136)**

This amendment, which is the unanimous report of the committee:

1. Amends the bill to refer to an order directing that lead-based substances be removed, replaced or securely and permanently covered;
2. Requires that the book and page in the registry of the owner's deed be identified on the notice filed with the registry of deeds that the owner complied with the order issued by the Department of Health and Human Services;
3. Requires that a notice filed with the registry of deeds include a notarized signature of the person issuing the notice; and
4. Directs the Department of Health and Human Services to adopt routine technical rules, including for the form of the notice to be filed in the registry of deeds.

**Enacted Law Summary**

Public Law 2019, chapter 100 requires the Department of Health and Human Services to file a notice when it issues an order directing that lead-based substances be removed, replaced or securely and permanently covered in the registry of deeds in the county in which the relevant property is located. It also requires the department to file a notice in the registry of deeds when the department determines that the owner has complied with the order.

**LD 343      An Act To Promote Equity in Business Opportunity for Tobacco  
Specialty Stores**

**Accepted Majority  
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARRINGTON M	ONTP OTP-AM	

This bill allows a tobacco specialty store to be licensed as a cigar lounge, which may serve nonalcoholic and alcoholic beverages. A cigar lounge may not sell cigarettes or prepare food on premises for sale. A tobacco specialty store that is a cigar lounge must provide notice about the dangers of environmental tobacco smoke to applicants for employment and employees. The cigar lounge license fee is \$100 per year.

**Committee Amendment "A" (H-23)**

This amendment, which is the minority report of the committee, replaces the bill. It provides that the on-premises consumption of food or drink is not prohibited in a tobacco specialty store. It requires a tobacco specialty store to

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provide notice to all applicants for employment and employees that working in a tobacco specialty store may cause serious negative health effects, including an increased risk of cancer and heart disease and that no level of exposure to environmental tobacco smoke is safe.

This amendment was not adopted.

**LD 362      Resolve, To Require the Department of Health and Human Services To      CARRIED OVER**  
**Submit a State Plan Amendment To Exempt Retirement and**  
**Educational Assets from Calculations for Medicaid Eligibility**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S HARNETT T		

This resolve requires the Department of Health and Human Services to prepare and submit a state plan amendment to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services in order to make a change in Medicaid eligibility requirements for individuals with disabilities under 65 years of age who have dependent children living in the home by disregarding assets held in qualifying retirement and education accounts.

This resolve was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

**LD 363      An Act To Protect Residents of Assisted Living Facilities      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D ALLEY R	ONTP	

This bill requires nursing facilities and assisted living and residential care facilities that provide services to a person who requires assistance with activities of daily living to perform cardiopulmonary resuscitation or use an automated external defibrillator in the event of a suspected sudden cardiac arrest unless the person has made a health care decision that includes an order not to resuscitate. It requires those facilities to store the necessary equipment to perform cardiopulmonary resuscitation or use an automated external defibrillator. It requires those facilities to provide training to their employees on how to perform cardiopulmonary resuscitation and use an automated external defibrillator. The bill also directs those facilities to establish a process for quickly determining in the event of a medical emergency whether an individual residing in the facility has made a health care decision that includes an order not to resuscitate.

**LD 373      An Act To Provide MaineCare Coverage for Dental Services to Adults      CARRIED OVER**  
**with Intellectual Disabilities or Autism Spectrum Disorder, Brain**  
**Injuries and Other Related Conditions**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TEPLER D GRATWICK G	OTP-AM	H-353

This bill directs the Department of Health and Human Services to extend MaineCare dental services to a person 21 years of age or older who receives support services for adults with intellectual disabilities or autism spectrum disorder. Dental services provided to such a person must be the same as those provided under the MaineCare