

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2019

recommendations and any suggested legislation. The Joint Standing Committee on Education and Cultural Affairs may submit a bill to the Second Regular Session of the 129th Legislature related to the report.

See title page for effective date.

CHAPTER 53

H.P. 689 - L.D. 934

Resolve, To Review the Implementation of the Maine Background Check Center Act

Sec. 1. Background check system study.

Resolved: That the Commissioner of Health and Human Services shall convene a study group consisting of representatives of child care facilities, child placing agencies, children's residential care facilities, family child care providers, nursery schools, hospice providers, home health care providers, nursing facilities, personal care agencies and placement agencies, temporary nurse agencies, adult day care programs, assisted housing programs, residential care facilities, intermediate care facilities for individuals with intellectual disabilities, mental health services facilities and providers, drug treatment centers and other interested stakeholders to assess the effects of the implementation of the system of background checks established by the Maine Background Check Center Act. In conducting the assessment, the study group shall consider:

1. A cost and comprehensiveness comparison to background check systems in other states to determine the efficiency of the background check system used in this State;
2. Any instances of discrimination within the waiver process;
3. Ways to allow for the portability of a background check so that it can travel with an employee from one job to another within a 5-year time frame;
4. The necessity of subjecting to the background check system current employees who had been subject to a background check within the previous 5 years; and
5. Any barriers to implementing all required background checks under one background check system.

Sec. 2. Report. Resolved: That the study group convened pursuant to section 1 shall develop recommendations regarding improvements to the background check system and possible alternatives and options for greater cost-effectiveness. The Commissioner of Health and Human Services shall submit a report regarding the study group's recommendations, including any recommended legislation, to the Joint

Standing Committee on Health and Human Services no later than December 15, 2019. The committee may submit legislation based on the report to the Second Regular Session of the 129th Legislature.

See title page for effective date.

CHAPTER 54

H.P. 739 - L.D. 984

Resolve, To Develop Plans To Return to the State Children Housed in Residential Treatment Systems outside of the State

Sec. 1. Department of Health and Human Services to coordinate with families of children receiving services out of state. Resolved:

That the Department of Health and Human Services through its case managers shall coordinate with families of children who are receiving residential treatment services for behavioral health issues out of state to develop plans to bring the children back to the State to receive the required services that would be received under rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 97, Private Non-Medical Institution Services. The department shall negotiate reimbursement rates as necessary to find providers under Section 97 to provide services to children returning to the State, including deviating from the reimbursement rates established by department rules in order to access additional services.

See title page for effective date.

CHAPTER 55

H.P. 953 - L.D. 1318

Resolve, To Increase Access to Housing-related Support Services

Sec. 1. Department of Health and Human Services to examine housing-related services available under a Medicaid waiver. Resolved:

That the Department of Health and Human Services shall examine opportunities available pursuant to a home and community-based services waiver available from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services, including but not limited to a Medicaid 1915(i) state plan amendment, to provide housing-related services to persons experiencing chronic homelessness who have mental health or substance use disorders and other vulnerable populations, including, but not limited to, individuals with disabilities and older