

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

from kindergarten to grade 8 to kindergarten to grade 6.

Sec. 3. Funding in fiscal year 2019-20. Resolved: Notwithstanding any provision of law to the contrary, in fiscal year 2019-20 only, the Department of Education shall use funds within the Departmental Services, Other Special Revenue Funds account within the department to pay for the one-time programming charges and contracting staff necessary to implement the rule changes to Chapter 115: The Credentialing of Education Personnel authorized pursuant to this resolve.

Sec. 4. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

EDUCATION, DEPARTMENT OF

Leadership Team Z077

Initiative: Allocates one-time funds for the programming costs and contracted support staff necessary to implement the changes in Chapter 115: The Credentialing of Education Personnel.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$93,125	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$93,125	\$0

See title page for effective date.

**CHAPTER 102
H.P. 70 - L.D. 84**

Resolve, Directing the Department of Health and Human Services To Allow Spouses To Provide Home and Community-based Services to Eligible MaineCare Members

Sec. 1. Department of Health and Human Services request to amend waiver. Resolved: That, no later than January 1, 2020, the Department of Health and Human Services shall submit a request to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to amend the existing federal 1915(c) waiver, granted pursuant to the Social Security Act, 42 United States Code, Section 1396n(c), that provides home and community-based services under the department's rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 19 to allow eligible members to receive ser-

vices provided by spouses who are employed as personal support specialists to provide those services. The waiver request must identify the specific services that may be provided by a spouse under the waiver.

Sec. 2. Rulemaking. Resolved: That the Department of Health and Human Services, upon receiving notice of approval for the amendment to the federal 1915(c) waiver from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services pursuant to section 1, shall amend the department's rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 19 to allow for spouses to be employed as personal support specialists for eligible members. A spouse may be reimbursed only for providing extraordinary care and services that the spouse is not normally expected to provide. The department shall adopt any rules necessary regarding the specific services that may be provided by a spouse under the waiver. Reimbursement for services provided by a spouse may not exceed the cap and limits in department rules.

Sec. 3. Report. Resolved: That the Department of Health and Human Services shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters with an interim report by April 30, 2020 outlining the progress of applying for, receiving and implementing the amended federal 1915(c) waiver pursuant to section 1. The department shall submit a final report no later than January 1, 2021 outlining the progress of receiving and implementing the amended federal 1915(c) waiver, and, if the amended federal waiver is granted, the report must include data on the number of people receiving services under the department's rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 19 who employ personal support specialists who are spouses; the costs or savings from the employment of spouses as personal support specialists; and recommendations on the feasibility of future similar expansion to other MaineCare programs or other potential waivers available under Medicaid. The joint standing committee of the Legislature having jurisdiction over health and human services matters may report out a bill to the First Regular Session of the 130th Legislature regarding any recommendations contained in the report.

Sec. 4. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

Medical Care - Payments to Providers 0147

Initiative: Provides funding needed due to the amendment to the existing 1915(c) waiver that provides home and community-based services under the Department of Health and Human Services rule Chapter

101: MaineCare Benefits Manual, Chapter II, Section 19 to allow eligible members to receive services provided by spouses.

GENERAL FUND	2019-20	2020-21
All Other	\$13,994	\$29,388
GENERAL FUND TOTAL	\$13,994	\$29,388
FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$24,664	\$51,794
FEDERAL EXPENDITURES FUND TOTAL	\$24,664	\$51,794

See title page for effective date.

**CHAPTER 103
S.P. 212 - L.D. 699**

**Resolve, To Provide for
Outreach Programs To Assist
Women at Risk of Giving Birth
to Substance-exposed Infants**

Sec. 1. Outreach and educational programs. Resolved: That the Department of Health and Human Services shall contract with a community-based nonprofit organization to develop outreach and educational programs regarding reproductive and sexual health care for women and adolescents at highest risk of experiencing an unintended pregnancy. All programming must emphasize the right to individual self-determination regarding family planning and childbearing. Programming must be targeted to women and adolescents who are:

1. Experiencing substance use disorder;
2. Experiencing homelessness;
3. Involved in the correctional system; or
4. Experiencing other circumstances that indicate a need for family planning services.

Sec. 2. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF**

**Maine Center for Disease Control and Prevention
0143**

Initiative: Provides an appropriation for a contract with an entity to develop outreach and educational programs regarding reproductive and sexual health care for women and adolescents at highest risk of experiencing an unintended pregnancy with a focus on women in danger of giving birth to a substance-exposed infant.

FUND FOR A HEALTHY MAINE	2019-20	2020-21
All Other	\$160,000	\$160,000
FUND FOR A HEALTHY MAINE TOTAL	\$160,000	\$160,000

See title page for effective date.

**CHAPTER 104
H.P. 603 - L.D. 829**

**Resolve, To Reestablish the
Commission To Improve the
Sentencing, Supervision,
Management and
Incarceration of Prisoners**

Sec. 1. Commission established. Resolved: That, notwithstanding Joint Rule 353, the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners, referred to in this section as "the commission," is established.

1. Commission membership. The commission consists of 20 members as follows:

- A. Two members of the Senate appointed by the President of the Senate;
- B. Two members of the House of Representatives, at least one of whom is a sponsor or cosponsor of this legislation, appointed by the Speaker of the House of Representatives;
- C. The Attorney General or the Attorney General's designee;
- D. The Commissioner of Corrections or the commissioner's designee;
- E. The Commissioner of Health and Human Services or the commissioner's designee;
- F. The Director of Adult Community Corrections within the Department of Corrections or the director's designee;
- G. Nine individuals appointed by the Governor:
 - (1) A representative of a statewide association of prosecutors nominated by the association;