

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

JOINT STANDING COMMITTEE ON HEALTH AND HUMAN SERVICES

July 2007

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STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

CON RES XXX.....	Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE.....	Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....	House & Senate disagree; bill died
DIED IN CONCURRENCE.....	One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....	Action incomplete when session ended; bill died
EMERGENCY.....	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....	Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....	Bill failed to get majority vote
FAILED MANDATE ENACTMENT.....	Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY.....	Ruled out of order by the presiding officers; bill died
INDEF PP.....	Bill Indefinitely Postponed
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted
OTP-ND.....	Committee report Ought To Pass In New Draft
P&S XXX.....	Chapter # of enacted Private & Special Law
PASSED.....	Joint Order passed in both bodies
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

Please note that the effective date for non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Health and Human Services

LD 168 Resolve, To End Fraud in Maine's Welfare Benefit Programs

RESOLVE 31

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WALCOTT	OTP-AM	H-163

This bill, presented as a concept draft pursuant to Joint Rule 208, proposes to enact measures that would address and mitigate fraud in the State's welfare benefit programs, such as, but not limited to, MaineCare and Temporary Assistance for Needy Families.

Committee Amendment "A" (H-163)

This amendment changes the bill to a resolve and attempts to address and mitigate possible fraud in the MaineCare program and in the Temporary Assistance for Needy Families program and in determining eligibility for the federal food stamp program. The amendment requires routine technical rulemaking that would require independent verification of income and residence as part of eligibility determination.

Enacted Law Summary

Resolve 2007, chapter 31 addresses and mitigates possible fraud in the MaineCare program, the Temporary Assistance for Needy Families program and the federal food stamp program by requiring independent verification of income and residence as part of eligibility determination. The resolve makes any rules that the Department of Health and Human Services needs to implement related to this law routine technical rules.

LD 273 An Act To Help Save the Homes of Some Persons Who Enter Nursing Facilities

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE MARRACHE	ONTP	

This bill will assist a MaineCare recipient entering a nursing facility to save the recipient's residence by prohibiting estate recovery action against the residence until the recipient has stated in writing that the recipient has no intention of returning to live in the residence.

LD 282 An Act To Provide Dental Care for Pregnant Women and New Mothers Receiving MaineCare Benefits

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAIRCLOTH	ONTP	

This bill extends MaineCare dental and oral health services to a woman who is eligible for MaineCare because of pregnancy and for 60 days following the delivery of the child.

LD 283 An Act To Require Direct Payment to Child Care Centers

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPREY	ONTP	

Joint Standing Committee on Health and Human Services

This bill makes payment for child care benefits for a person transitioning off the ASPIRE-TANF program payable directly to the child care provider or facility that provided the child care and provides a mechanism for paying for child care services for which reimbursement is owed.

LD 306 An Act To Provide Medically Necessary Speech Therapy Services

PUBLIC 71

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLER MARRACHE	OTP-AM	H-52

This bill allows the provision of speech therapy benefits under MaineCare Basic for members who without a maintenance level of speech therapy services would experience a significant decline in their ability to communicate orally, safely swallow or masticate.

Committee Amendment "A" (H-52)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2007, chapter 71 allows the provision of speech therapy benefits under MaineCare Basic for members who without a maintenance level of speech therapy services would experience a significant decline in their ability to communicate orally, safely swallow or masticate.

LD 339 Resolve, To Ensure Proper Levels of Care for the Elderly and the Disabled

**RESOLVE 61
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARRACHE	OTP-AM	S-117

This bill directs the Department of Health and Human Services to amend, by January 1, 2008, the rules for the licensing of long-term care facilities to prevent the inappropriate transfer of a resident to a hospital as a way of accomplishing the discharge of the resident. The rules are routine technical rules.

Committee Amendment "A" (S-117)

This amendment replaces the bill with a resolve. It establishes a process to assess and plan for the medically necessary physical, cognitive and behavioral needs of adult MaineCare members and to implement a training program in positive behavioral support health. It establishes a process for stakeholder involvement and collaboration. It requires the sharing of data, sets a timetable and requires a report to the Joint Standing Committee on Health and Human Services, which is authorized to submit legislation.

Enacted Law Summary

Resolve 2007, chapter 61 establishes a process to assess and plan for the medically necessary physical, cognitive and behavioral needs of adult MaineCare members and to implement a training program in positive behavioral support health. It establishes a process for stakeholder involvement and collaboration. It requires the sharing of data, sets a timetable and requires a report to the Joint Standing Committee on Health and Human Services, which is authorized to submit legislation.

Resolve 2007, chapter 61 was enacted as an emergency measure effective June 6, 2007.