

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
123<sup>RD</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

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

July 2007

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# STATE OF MAINE

123<sup>RD</sup> 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 123<sup>rd</sup> 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*

Health Data Organization, including adding Medicare prescription drug sponsors, pharmacy benefits managers and nonlicensed carriers to the definition of "payor"; modifying the appointment process for employer representatives on the Board of Directors of the Maine Health Data Organization; and expanding the contract authority of the board. It clarifies that the United States Department of Health and Human Services certifies federally qualified health centers and corrects the name of the Division of Licensing and Regulatory Services within the Department of Health and Human Services. It clarifies that one member of the board must be chosen from a list provided by a statewide chamber of commerce.

**LD 931      Resolve, To Examine Eligibility for MaineCare Long-term Care Services** **ONTP**

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

This resolve directs the long-term care ombudsman program to examine the eligibility requirements for MaineCare long-term care services and to report back to the Joint Standing Committee on Health and Human Services by December 1, 2007. The Joint Standing Committee on Health and Human Services may submit legislation to the Second Regular Session of the 123rd Legislature.

**LD 943      Resolve, To Create a Look-back Rule for Residential Care Facilities** **ONTP**

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

This resolve directs the Department of Health and Human Services to amend the MaineCare eligibility manual to provide that the 36-month look-back period for the transfer of assets that applies to residents of nursing homes apply to residents of residential care private nonmedical institutions.

**LD 957      An Act To Enact a Five-point Welfare Reform Plan** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANSLEY SNOWE-MELLO	ONTP	

This bill enacts a five-point welfare reform package that imposes a 90-day residency requirement for general assistance, provides a tax credit for employers hiring recipients of welfare benefits, changes the 20-hour work participation requirement in the ASPIRE-TANF program, adjusts benefits to reflect earned income and imposes a 60-month lifetime limitation on ASPIRE-TANF benefits for adults. This bill specifies that the tax credit applies to tax years beginning on or after January 1, 2008.

**LD 970      An Act to Repeal Delayed Estate Recovery** **PUBLIC 423**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WEBSTER	OTP-AM	H-325

## *Joint Standing Committee on Health and Human Services*

This bill eliminates the current exemption for estate recovery of MaineCare expenditures for the surviving spouses, children or disabled children over the age of 21. The federal Department of Health and Human Services, Centers for Medicare and Medicaid Services has informed the Department of Health and Human Services, Office of MaineCare Services that this provision is in violation of the Deficit Reduction Act of 2005.

### **Committee Amendment "A" (H-325)**

This amendment changes the title of the bill and eliminates delayed estate recovery of MaineCare benefits.

### **Enacted Law Summary**

Public Law 2007, chapter 423 eliminates delayed estate recovery of MaineCare benefits.

**LD 973      An Act To Require the Maine Center for Disease Control and Prevention To Publish Abortion Statistics      ONTP**

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

This bill requires the Maine Center for Disease Control and Prevention to republish, update and maintain the State's annual abortion vital statistics and make the vital statistics available on its website. The report must include information on the categories of abortion performed and the number of weeks of gestation.

**LD 975      Resolve, To Provide Reimbursement for Residential Care Facilities for Rising Heating Costs and Cost-of-living Adjustments      DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A	OTP-AM	H-599

This resolve directs the Department of Health and Human Services to amend the rules for reimbursing certain private non-medical institutions to provide for full reimbursement of heating costs in facilities and to provide cost-of-living adjustments in state fiscal years 2007-08 and 2008-09. The rules are designated major substantive rules.

### **Committee Amendment "A" (H-599)**

This amendment changes the reimbursement for heating costs from payment for actual heating costs to a separate cost-of-living adjustment for heating cost reimbursement that is reflected in the overall cap on costs in the routine cost component or the cap on room and board reimbursement. The amendment also adds an appropriations and allocations section.

This bill died on adjournment on the Appropriations Table in the Senate.

**LD 977      Resolve, To Address the Funding Needs of Air and Ground Emergency and Critical Care Emergency Medical Services      RESOLVE 140**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE	OTP-AM	H-249