

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
124<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during  
the First Regular Session of the 124<sup>th</sup> Maine Legislature coming from the

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

July 2009

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# STATE OF MAINE

124<sup>TH</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 124<sup>th</sup> Maine Legislature.

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:

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; 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; bill died
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted; bill died
P&S XXX.....	Chapter # of enacted Private & Special Law
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

The effective date for non-emergency legislation enacted in the First Regular Session of the 124<sup>th</sup> Legislature is September 12, 2009. 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 395      Resolve, To Further Regulate the Use of Tanning Booths by Minors**

**RESOLVE 119**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARRACHE	OTP-AM MAJ ONTP MIN	H-519 PERRY A S-227

This resolve directs the Department of Health and Human Services to amend the rules adopted by the department concerning tanning devices and minors to require that a parent or legal guardian must sign a consent form in the presence of the tanning device operator and must be present for the initial visit. It also requires that the consent form is only valid for 12 visits. It also requires a licensed physician to authorize that a minor may use a tanning device and requires a licensed physician to authorize more than one visit per week by a minor.

**Committee Amendment "A" (S-227)**

This amendment is the majority report of the committee and replaces the resolve. It adds emergency language and requires the Department of Health and Human Services to adopt rules regarding the use of tanning facilities by minors. It requires the department to convene a work group of interested parties and to report to the Joint Standing Committee on Health and Human Services by January 15, 2010. It authorizes the committee to submit legislation to the Second Regular Session of the 124th Legislature.

**House Amendment "A" To Committee Amendment "A" (H-519)**

This amendment removes the emergency preamble and the emergency clause.

**Enacted Law Summary**

Resolve 2009, chapter 119 requires the Department of Health and Human Services to adopt rules regarding the use of tanning facilities by minors. It requires the department to convene a work group of interested parties and to report to the Joint Standing Committee on Health and Human Services by January 15, 2010. It authorizes the committee to submit legislation to the Second Regular Session of the 124th Legislature.

**LD 400      An Act To Implement the Recommendations of the Blue Ribbon  
Commission To Study Long-term Home-based and Community-based  
Care**

**PUBLIC 420  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN	OTP-AM	S-343 DIAMOND S-57

This bill contains legislation suggested by the Blue Ribbon Commission to Study Long-term Home-based and Community-based Care.

It amends existing law governing the legislative findings and policy for home-based and community-based long-term care services for the elderly and adults with physical disabilities. It adds statements of findings for in-home and community support services and long-term care services.

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

It adds hospice care to the definition of "in-home and community support services."

It directs the Department of Health and Human Services to undertake a planning process for the adoption of a unified budget for long-term care services and supports for the elderly and adults with physical disabilities. It directs the Commissioner of Health and Human Services, the Commissioner of Administrative and Financial Services and the Office of Fiscal and Program Review to work together to prepare a revised chart of accounts. The commissioners are required to report by January 1, 2010 to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and health and human services matters. The report must contain a plan for a unified budget to be implemented by July 1, 2010.

It directs the Department of Health and Human Services to adopt as a priority reduction of the waiting lists for home-based and community-based care and homemaker services for the elderly and adults with disabilities during fiscal year 2008-09 and elimination of the waiting lists during the fiscal years 2009-10 and 2010-11.

It directs the Department of Health and Human Services to work with the Department of Labor to explore uses of and develop funding sources for assistive technologies. It requires the Department of Health and Human Services to report by January 1, 2010 to the joint standing committee of the Legislature having jurisdiction over health and human services matters.

It directs the Department of Health and Human Services to explore alternative non-MaineCare sources of funding for service packages provided to residents in the 7 tax-credit-assisted assisted living facilities that currently use MaineCare funding. The alternative funding must be used in the event MaineCare funding is no longer available to ensure continuation of service packages. The department is required to report by January 1, 2010 to the joint standing committee of the Legislature having jurisdiction over health and human services matters.

It directs the Department of Health and Human Services to work with interested parties to develop a comprehensive and systematic approach to training, reimbursement and benefits for direct care workers in home-based and community-based care, residential facilities and nursing facilities and to report by December 1, 2009 to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and health and human services matters.

It directs the Department of Health and Human Services to undertake efforts to reverse the spending trend in long-term care to increase the number of people served and funds spent in home-based and community-based care as compared to the spending on residential care and nursing facility care and to report annually by February 1 beginning in 2010 to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and health and human services matters.

It directs the Department of Health and Human Services to undertake an effort in the assessment process for eligibility for long-term care services under the MaineCare program to improve the discharge planning process as it pertains to hospitals and residential care facilities, including improving the provision of information to the consumer about facility-based and home-based and community-based options, improving consumer choice in the discharge process, increasing consumer counseling for those choosing self-directed care and education on the availability of hospice services, and to report to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and health and human services matters by February 1, 2010 and February 1, 2011.

It directs the Department of Health and Human Services to work with the 5 area agencies on aging to provide services through Aging and Disability Resource Centers on a statewide basis, provides \$300,000 per year for this purpose and conditions the funding on the area agencies on aging working with hospitals, nursing facilities and residential care facilities to improve the long-term care discharge planning process. It directs the department to report to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and health and human services matters on work done with regard to this initiative by February 1, 2010 and

# *Joint Standing Committee on Health and Human Services*

February 1, 2011.

It provides funding for long-term care services for the elderly and adults with physical disabilities in the amount of \$500,000 per year for the Priority Social Services Program and \$200,000 per year for the family caregiver initiative.

## **Committee Amendment "A" (S-57)**

This amendment replaces the bill. It combines 4 provisions requiring reports to the joint standing committee of the Legislature having jurisdiction over health and human services matters. It reduces the funding from \$1,000,000 per year to \$800,000 per year. It changes the provision requiring a unified long-term care budget to the provision of a comprehensive presentation of the long-term care budget.

## **Senate Amendment "A" To Committee Amendment "A" (S-343)**

This amendment strikes the appropriations and allocations section and requires the Department of Health and Human Services, as resources permit, to work with the 5 area agencies on aging to identify funding to provide services on a statewide basis.

## **Enacted Law Summary**

Public Law 2009, chapter 420 amends existing law governing the legislative findings and policy for home-based and community-based long-term care services for the elderly and adults with physical disabilities. It adds statements of findings for in-home and community support services and long-term care services.

It adds hospice care to the definition of "in-home and community support services."

It directs the Department of Health and Human Services to undertake a process to provide a comprehensive presentation of a budget for long-term care services and supports for the elderly and adults with physical disabilities.

It directs the Department of Health and Human Services to report by January 1, 2010 on waiting lists for home-based and community-based care and homemaker services, funding sources for assistive technologies, a comprehensive and systematic approach to training, reimbursement and benefits for direct care workers in home-based and community-based care, residential facilities and nursing facilities and work done regarding the aging and disability resource centers and efforts to improve discharge planning and the provision of information to consumers and their families.

The law requires the Department of Health and Human Services, as resources permit, to work with the five area agencies to identify funding to provide aging and disability resource services on a statewide basis.

Public Law 2009, chapter 420 was enacted as an emergency measure effective June 12, 2009.

## **LD 405      An Act To Reevaluate the Scope of Coverage for the Childless Adult Waiver Program**

**ONTP**

Sponsor(s)

MILLS P

Committee Report

ONTP

Amendments Adopted

This bill provides a one-time appropriation of \$150,000 in fiscal year 2009-10 for the Department of Health and Human Services to contract for an independent survey of members enrolled in the MaineCare childless adult waiver program.