

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



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

JOINT STANDING COMMITTEE ON HEALTH AND HUMAN SERVICES

July 2009

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STATE OF MAINE

124TH 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 124th 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 124th 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 625 Resolve, To Ensure All Children Covered by MaineCare Receive Early and Periodic Screening, Diagnosis and Treatment Services

RESOLVE 26

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS BOWMAN	OTP	

This resolve directs the Department of Health and Human Services to form a work group to evaluate the current system for providing early and periodic screening, diagnosis and treatment services in the State and to report the work group's findings to the Joint Standing Committee on Health and Human Services. The joint standing committee is authorized to submit legislation to the Second Regular Session of the 124th Legislature.

Enacted Law Summary

Resolve 2009, chapter 26 directs the Department of Health and Human Services to form a work group to evaluate the current system for providing early and periodic screening, diagnosis and treatment services in the State and to report the work group's findings to the Joint Standing Committee on Health and Human Services. The resolve authorizes the joint standing committee to submit legislation to the Second Regular Session of the 124th Legislature.

LD 637 An Act To Ensure Services for Adults with Developmental Disabilities

Carried Over

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN SCHNEIDER		

This bill requires the Department of Health and Human Services to provide health coverage under the MaineCare program for an adult with mental retardation or autism who is incapacitated and financially eligible for MaineCare.

This bill was carried over to any special or regular session of the 124th Legislature by Joint Order, H.P. 1053. This bill was carried over in order to obtain data on waiting lists, unmet needs, trends in providing services, planning for future needs and initiatives in other states.

LD 654 Resolve, To Review Statutes, Rules and Policies Regarding Mental Retardation, Pervasive Developmental Disorders and Other Cognitive and Developmental Disorders

RESOLVE 123

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WEBSTER BRANNIGAN	OTP	

This resolve directs the Department of Health and Human Services to complete its work conducted pursuant to Resolves 2007, chapter 78 regarding the review of laws, rules and policies regarding services, definitions, limitations, eligibility and levels of care for adults with mental retardation, pervasive developmental disorders and other cognitive and developmental disorders and to report to the Joint Standing Committee on Health and Human Services. It authorizes the committee to submit legislation related to the recommendations of the working group to

Joint Standing Committee on Health and Human Services

the Second Regular Session of the 124th Legislature.

Enacted Law Summary

This resolve directs the Department of Health and Human Services to complete its work conducted pursuant to Resolves 2007, chapter 78 regarding the review of laws, rules and policies regarding services, definitions, limitations, eligibility and levels of care for adults with mental retardation, pervasive developmental disorders and other cognitive and developmental disorders and to report to the Joint Standing Committee on Health and Human Services. It authorizes the committee to submit legislation related to the recommendations of the working group to the Second Regular Session of the 124th Legislature.

LD 675 An Act To Lower the Cost of State Government in the Departments ONTP
under the Purview of the Joint Standing Committee on Health and
Human Services

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

This bill eliminates 3 managerial positions from the Department of Health and Human Services including one Director of Fiscal and Program Coordination position and 2 Director of Special Projects positions.

LD 700 An Act To Restore Funding for Bed-hold Days at Private Nonmedical ACCEPTED ONTP
Institutions REPORT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L BRANNIGAN	ONTP MAJ OTP-AM MIN	

This bill provides funding to the Department of Health and Human Services to restore reimbursement to private nonmedical institutions for holding beds for up to 45 days annually for each resident determined to qualify for medical or therapeutic absences and up to 7 days annually for personal or family-related absences. Public Law 2007, chapter 539 limits the preexisting reimbursement of costs associated with holding beds by limiting the costs that would be recognized to the first 30 days per year per resident. Effective August 1, 2008, the department implemented emergency rules to deny this funding entirely under MaineCare and to continue recognizing only the portion of bed-hold costs that is reimbursed from the General Fund for the room and board portion of residential care facility costs under Chapter 115 of the department's rules and analogous guidelines for certain types of private nonmedical institutions.

This bill requires the Department of Health and Human Services to amend its MaineCare rules to restore this reimbursement and states that the provisions of this bill supersede the currently existing contrary rules. It also provides that the limit on days per resident per year is a maximum of 52 days, rather than 30, but that additional days may be approved by the department.