

# 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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**STAFF:**

JANE ORBETON, SENIOR ANALYST  
ELIZABETH COOPER, LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670

# 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*

list of data elements that may indirectly identify patients and are subject to external review and comments. It also establishes a data advisory committee composed of individuals listed in the rule who may be impacted by the release of group numbers.

Resolve 2009, chapter 84 was enacted as an emergency measure effective June 2, 2009.

**LD 1412      Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21, Home and Community Benefits for Members with Mental Retardation or Autistic Disorder, a Major Substantive Rule of the Department of Health and Human Services, Office of MaineCare Services**

**RESOLVE 85  
EMERGENCY**

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

This resolve provides for legislative review of portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21, Home and Community Benefits for Members with Mental Retardation or Autistic Disorder, a major substantive rule of the Department of Health and Human Services, Office of MaineCare Services.

**Enacted Law Summary**

Resolve 2009, chapter 85 approves portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21, Home and Community Benefits for Members with Mental Retardation or Autistic Disorder, a major substantive rule of the Department of Health and Human Services, Office of MaineCare Services. The proposed rule makes changes in rates for the home and community based services waiver. It reduces rates for home support, community support, employment specialist services and work support. It removes the behavioral ad on for services. It eliminates intensive family centered support as a type of home support. The rule creates an additional level of support for home support shared living and home support family centered support model.

Resolve 2009, chapter 85 was passed as an emergency measure effective June 2, 2009.

**LD 1416      An Act To Update Terms and Make Changes in Child Care and Transportation Benefits under the Temporary Assistance for Needy Families Program**

**PUBLIC 291**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT	OTP-AM	H-405

This bill makes the following changes relating to the food stamp program and to the TANF and ASPIRE-TANF programs:

It changes the terms "food stamp" to "food supplement" and "food stamp program" to "food supplement program."

It changes references to mailing food stamps or coupons to the issuance of food allotments by an electronic benefits transfer system. It eliminates the requirement to print brochures in other languages and to print announcements in French.

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It adds cross-references to the federal Deficit Reduction Act of 2005 in the statute that authorizes the administration of the TANF program and the ASPIRE program.

It eliminates a requirement that transitional transportation benefits be given for 90 days and inserts a maximum benefit duration of 12 months. For transitional child care benefits, it eliminates references to income standards and rates of payment and authorizes the department instead to establish those by rule.

It reinstates authority to transfer certain funds and a reporting requirement that were mistakenly repealed during the First Regular Session of the 123rd Legislature.

It eliminates a reporting requirement comparing TANF benefit levels to those in other New England states; the provision was intended to have been repealed in the First Regular Session of the 123rd Legislature.

It eliminates a minimum participation requirement in the ASPIRE program to require the department to operate the ASPIRE program in accordance with the federal Deficit Reduction Act of 2005 requirements.

It allows the Department of Health and Human Services to establish maximum eligibility limits, for fiscal year 2009-10 only, that are not less than 200% of the federal poverty guidelines for certain families for transitional child care services.

It requires the Department of Health and Human Services to report back with legislation correcting the Maine Revised Statutes to reflect the change in the name of the food stamp program and benefits.

### **Committee Amendment "A" (H-405)**

This amendment authorizes the Department of Health and Human Services to make certain transfers of funds to the ASPIRE-TANF program account from the TANF program account. It requires the department to establish maximum rates for child care beginning October 1, 2011. The amendment deletes sections of the bill regarding fund transfers and authorization to decrease maximum income eligibility for transitional child care services.

### **Enacted Law Summary**

Public Law 2009, chapter 291 changes the terms "food stamp" to "food supplement" and "food stamp program" to "food supplement program." It changes references to mailing food stamps or coupons to the issuance of food allotments by an electronic benefits transfer system. It eliminates the requirement to print brochures in other languages and to print announcements in French.

It adds cross-references to the federal Deficit Reduction Act of 2005 in the statute that authorizes the administration of the TANF program and the ASPIRE program.

It eliminates a requirement that transitional transportation benefits be given for 90 days and inserts a maximum benefit duration of 12 months. For transitional child care benefits, it eliminates references to income standards and rates of payment and authorizes the department instead to establish those by rule.

The law eliminates a reporting requirement comparing TANF benefit levels to those in other New England states; the provision was intended to have been repealed in the First Regular Session of the 123rd Legislature.

It eliminates a minimum participation requirement in the ASPIRE program to require the department to operate the ASPIRE program in accordance with the federal Deficit Reduction Act of 2005 requirements.

It requires the Department of Health and Human Services to report back with legislation correcting the Maine Revised Statutes to reflect the change in the name of the food stamp program and benefits.

The law authorizes the Department of Health and Human Services to make certain transfers of funds to the

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ASPIRE-TANF program account from the TANF program account. It requires the department to establish maximum rates for child care beginning October 1, 2011.

**LD 1417     An Act To Add Unlicensed Assistive Persons with Notations to the  
Maine Registry of Certified Nursing Assistants**

**PUBLIC 215**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A	OTP	

This bill authorizes the Department of Health and Human Services to investigate complaints against unlicensed assistive persons of abuse, neglect or misappropriation of property of a client, patient or resident in a home or health care setting. It requires the Maine Registry of Certified Nursing Assistants to list and include a notation to the unlicensed assistive person's listing on the registry when the department's decision becomes final that a complaint was substantiated. This is a limited expansion of the registry. The bill identifies the information that must be included in registry notations. It requires the department to notify an individual of the right to request a hearing to contest a finding that a complaint was substantiated and gives the individual the right to petition the department to have a finding of neglect removed from the registry if the finding of neglect is a one-time occurrence and there is no pattern of neglect. It identifies unlicensed assistive persons who may not be employed or placed by a licensed, certified or registered agency or facility and authorizes the department to adopt routine technical rules.

**Enacted Law Summary**

Public Law 2009, chapter 215 authorizes the Department of Health and Human Services to investigate complaints against unlicensed assistive persons of abuse, neglect or misappropriation of property of a client, patient or resident in a home or health care setting. It requires the Maine Registry of Certified Nursing Assistants to list and include a notation to the unlicensed assistive person's listing on the registry when the department's decision becomes final that a complaint was substantiated. This is a limited expansion of the registry and identifies specific information that must be included in registry notations. The law requires the department to notify an individual of the right to request a hearing to contest a finding that a complaint was substantiated and gives the individual the right to petition the department to have a finding of neglect removed from the registry if the finding of neglect is a one-time occurrence and there is no pattern of neglect. It identifies unlicensed assistive persons who may not be employed or placed by a licensed, certified or registered agency or facility and authorizes the department to adopt routine technical rules.

**LD 1419     An Act To Implement Respectful Language Amendments**

**PUBLIC 299**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WEBSTER	OTP-AM	H-402

This bill makes several changes throughout the Maine Revised Statutes to avoid certain terms or phrases that might be construed as disrespectful. The terminology removed is replaced with more respectful alternatives that place people first. Part A removes the terms "common drunkard," "lunatic," "mentally deranged" and "senile" from the statutes and removes language that refers to persons being "afflicted" with a condition. Part B removes references to "mental retardation" and "mentally retarded" and changes the reference to "persons with developmental disabilities."

**Committee Amendment "A" (H-402)**

This amendment removes a section of the bill that changes terminology in the section of law related to licensing of