

# MAINE STATE LEGISLATURE

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



Summaries of bills, adopted amendments and laws enacted or finally passed

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

July 2011

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LEGISLATIVE DIGEST OF BILL SUMMARIES AND  
ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 125<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD 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 LD is noted to the right of the LD title. The following describes the various final actions.

*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; legislation died  
*DIED BETWEEN HOUSES*..... House & Senate disagreed; legislation died  
*DIED IN CONCURRENCE*..... defeated in each house, but on different motions; legislation died  
*DIED ON ADJOURNMENT*..... action incomplete when session ended; legislation died  
*EMERGENCY*..... enacted law takes effect sooner than 90 days after session adjournment  
*FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE* ..... emergency failed to receive required 2/3 vote  
*FAILED, ENACTMENT or FINAL PASSAGE*..... failed to receive final majority vote  
*FAILED, MANDATE ENACTMENT* ..... legislation proposing local mandate failed required 2/3 vote  
*HELD BY GOVERNOR*..... Governor has not signed; final disposition to be determined at subsequent session  
*LEAVE TO WITHDRAW*..... sponsor's request to withdraw legislation granted  
*NOT PROPERLY BEFORE THE BODY* ..... ruled out of order by the presiding officer; legislation died  
*INDEF PP*..... indefinitely postponed; legislation died  
*ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X*... ought-not-to-pass report accepted; legislation died  
*P&S XXX*..... chapter # of enacted private & special law  
*PUBLIC XXX*..... chapter # of enacted public Law  
*RESOLVE XXX*..... chapter # of finally passed resolve  
*VETO SUSTAINED*..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 125<sup>th</sup> Legislature is September 28, 2011. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

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

to require that all administrators and direct care staff complete eight hours of dementia care training in order to work in those long-term care facilities, adult day care programs, residential care facilities and supported living arrangements and to require that documentation of satisfaction of the training requirement is a condition of their licensure or certification.

### **Committee Amendment "A" (S-24)**

This amendment replaces the resolve and adds an emergency preamble and emergency clause to the resolve. It directs the Department of Health and Human Services to establish within existing resources a working group of stakeholders to review the current and future dementia training needs of long-term care providers. It directs the working group to make recommendations to the Commissioner of Health and Human Services. It directs the commissioner to report to the Joint Standing Committee on Health and Human Services by November 30, 2011.

### **Enacted Law Summary**

Resolve 2011, chapter 28 directs the Department of Health and Human Services to establish within existing resources a working group of stakeholders to review the current and future dementia training needs of long-term care providers. It directs the working group to make recommendations to the Commissioner of Health and Human Services. It directs the commissioner to report to the Joint Standing Committee on Health and Human Services by November 30, 2011.

Resolve 2011, chapter 28 was passed as an emergency measure effective April 28, 2011.

**LD 70**

### **An Act To Include Independent Practice Dental Hygienists in MaineCare**

**PUBLIC 457**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON W	OTP-AM	H-49 S-339 ROSEN R

This bill provides for reimbursement under the MaineCare program to directly reimburse dental hygienists practicing independently as authorized under the Maine Revised Statutes, Title 32, section 1094-I for all procedures performed under Title 32, section 1094-Q, subsection 1. The bill directs the Department of Health and Human Services to adopt rules to implement this provision and designates the rules as routine technical rules.

### **Committee Amendment "A" (H-49)**

This amendment removes the requirement that rules be adopted by April 1, 2012 and adds a provision to reimburse a federally qualified health center that employs an independent practice dental hygienist as a core provider.

### **Senate Amendment "A" To Committee Amendment "A" (S-339)**

This amendment limits the procedures for which the Department of Health and Human Services, by October 1, 2012, must provide reimbursement to 6 specified procedures.

### **Enacted Law Summary**

Public Law 2011, chapter 457 provides for reimbursement under the MaineCare program to directly reimburse dental hygienists practicing independently as authorized under the Maine Revised Statutes, Title 32, section 1094-I for 6 specified dental procedures by October 1, 2012. The law provides reimbursement for independent practice dental hygienists who are core providers at federally qualified health centers. The law directs the Department of

*Joint Standing Committee on Health and Human Services*

Health and Human Services to adopt rules to implement this provision by April 1, 2012 and designates the rules as routine technical rules.

**LD 75      Resolve, Directing the Department of Health and Human Services To      ONTP  
Amend Its Rules Governing Electronic Benefits Transfer Cards**

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

This bill requires the Department of Health and Human Services to amend its rules governing the electronic benefits transfer system to provide that a person may not receive cash back in connection with a transaction made with an electronic benefits transfer card that is drawing on the person's food supplement benefit account and to require that a photograph of the owner of an electronic benefits transfer card appear on that card.

**LD 105      Resolve, Regarding Legislative Review of Chapter 13: Municipal      RESOLVE 21  
Service Fee, a Major Substantive Rule of the Department of Health and      EMERGENCY  
Human Services**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-50

This resolve provides for legislative review of Chapter 13: Municipal Service Fee, a major substantive rule of the Department of Health and Human Services.

**Committee Amendment "A" (H-50)**

This amendment authorizes the final adoption of Chapter 13: Municipal Service Fee, a provisionally adopted major substantive rule of the Department of Health and Human Services, only if the name of the fee is changed to the state share of vital records fee, municipalities remit the state portion of the fees by the 30th of each month and any increase beyond the capped state share is removed from the rule.

**Enacted Law Summary**

Resolve 2011, chapter 21 provides for legislative review of Chapter 13: Municipal Service Fee, a major substantive rule of the Department of Health and Human Services. The rule had been adopted by the department as an emergency with an effective date of October 5, 2010 to allow the department to assess a fee on municipal governments related to administering vital records. Resolve 2011, chapter 21 approves the rule as long as the rule is amended to change the name of the fee to the state share of vital records fee, municipalities remit the state portion of the fees by the 30th of each month, and any increase beyond the capped state share is removed from the rule.

Resolve 2011, chapter 21 was finally passed as an emergency measure effective April 15, 2011.