

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH 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 125th 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 125th 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

the study and may not be funded by General Fund money. The committee is to report its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2013.

LD 735 An Act To Allow the Use of Electronic Benefits Transfer Funds at Farmers' Markets

**MAJORITY
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	ONTP MAJ OTP-AM MIN	

This bill allows a recipient of food supplement benefits to use electronic benefits transfer funds to purchase food at a farmers' market.

Committee Amendment "A" (S-204)

This amendment, which is the minority report of the committee, replaces the bill. It requires the Department of Agriculture, Food and Rural Resources and the Department of Health and Human Services to work with the Maine Federation of Farmers' Markets to issue letters of support for developing a public-private partnership working toward universal access of farmers' markets to machines required to process federal Supplemental Nutrition Assistance Program electronic benefit transfer funds. It requires the partnership to solicit private funds to provide farmers' markets with wireless electronic benefit transfer card readers. The partnership will also work with banks and machine vendors to eliminate, reduce or reimburse all costs and fees associated with processing the cards.

LD 739 Resolve, To Amend the Rules Concerning Long-term Care Services To Better Support Family Caregivers

RESOLVE 95

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN	ONTP MAJ OTP-AM MIN	H-518 STRANG BURGESS S-205

This resolve requires the Department of Health and Human Services to amend its rules on eligibility for long-term care services provided under the MaineCare program or state-funded programs to remove provisions and presumptions that disqualify some persons from eligibility for long-term care. Amendments to the rules will enable more people to qualify for long-term care services by removing the requirements of written agreements and by removing the presumptions regarding the purpose of paying for services and certain transfers. The resolve directs the department to adopt routine technical rules to incorporate the amendments by October 15, 2011 and to notify the Joint Standing Committee on Health and Human Services.

Committee Amendment "A" (S-205)

This amendment, which is the minority report, adds an appropriations and allocations section.

House Amendment "A" To Committee Amendment "A" (H-518)

This amendment replaces the resolve. This amendment requires the Department of Health and Human Services to work with interested parties to create a standard-form written contract that may be used by an individual in need of long-term care services and supports to hire and pay a relative to provide that care. The amendment also clarifies

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that other forms may be used to accomplish the same purpose. It also requires the posting of this agreement on the publicly accessible website of the Department of Health and Human Services and requires the department to adopt routine technical rules relating to the standard-form written contract. Finally, the creation of the standard-form written contract and its posting on the department's website must be accomplished within the limits of existing resources.

Enacted Law Summary

Resolve 2011, chapter 95 requires the Department of Health and Human Services to work with interested parties to create a standard-form written contract that may be used by an individual in need of long-term care services and supports to hire and pay a relative to provide that care. The resolve also clarifies that other forms may be used to accomplish the same purpose. It requires the posting of this agreement on the publicly accessible website of the Department of Health and Human Services and requires the department to adopt routine technical rules relating to the standard-form written contract. Finally, the creation of the standard-form written contract and its posting on the department's website must be accomplished within the limits of existing resources.

LD 743 Resolve, Regarding Legislative Review of Portions of Chapter 101, RESOLVE 78
MaineCare Benefits Manual Chapter III, Section 21: Allowances for EMERGENCY
Home and Community Benefits for Members with Intellectual
Disabilities or Autistic Disorder, a Major Substantive Rule of the
Department of Health and Human Services

<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: Allowances for Home and Community Benefits for Members with Intellectual Disabilities or Autistic Disorder, a major substantive rule of the Department of Health and Human Services.

Enacted Law Summary

Resolve 2011, chapter 78 provides for legislative review of portions of Chapter 101, MaineCare Benefits Manual Chapter III, Section 21: Allowances for Home and Community Benefits for Members with Intellectual Disabilities or Autistic Disorder, a major substantive rule of the Department of Health and Human Services.

Resolve 2011, chapter 78 was passed as an emergency measure effective June 14, 2011.

LD 747 An Act To Require Hospital Credit Reporting That Is Fair to ONTP
Consumers

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS BRANNIGAN	ONTP	

This bill requires a hospital that reports a delinquent consumer account to a consumer reporting agency to report any extended repayment agreement and the experience of the hospital in collecting under the agreement.