

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH LEGISLATURE
FIRST REGULAR SESSION



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

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

July 2013

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*Rep. Jane P. Pringle temporarily appointed for the duration of the absence of Rep. Matthew Peterson on the Health and Human Services Committee

STATE OF MAINE

126TH LEGISLATURE

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LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 126th 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 126th Legislature is October 9, 2013. 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

LD 3 **Resolve, Regarding Legislative Review of Portions of the MaineCare Benefits Manual, Chapter III, Section 21: Home and Community Benefits for Adults with Intellectual Disabilities or Autistic Disorder, a Major Substantive Rule of the Department of Health and Human Services**

**RESOLVE 15
EMERGENCY**

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

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

Enacted Law Summary

Resolve 2013, chapter 15 authorizes portions of the MaineCare Benefits Manual, Chapter III, Section 21: Home and Community Benefits for Adults with Intellectual Disabilities or Autistic Disorder, a major substantive rule of the Department of Health and Human Services.

Resolve 2013, chapter 15 was finally passed as an emergency measure effective May 10, 2013.

LD 8 **Resolve, Directing the Department of Health and Human Services To Provide Coverage under the MaineCare Program for Home Support Services for Adults with Intellectual Disabilities or Autistic Disorder**

RESOLVE 24

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHASE HAMPER	OTP-AM	H-68

This resolve directs the Department of Health and Human Services to amend its rules for the MaineCare program with respect to support services for adults with intellectual disabilities or autistic disorder to provide that the teaching of home life skills is a covered service. The rules are designated as routine technical rules.

Committee Amendment "A" (H-68)

This amendment replaces the resolve. It requires the Department of Health and Human Services to request approval from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to amend the Section 29 waiver of the MaineCare program in Chapter 101, MaineCare Benefits Manual, Chapters II and III to allow the Department of Health and Human Services to add home support as a covered service. Upon approval by the Centers for Medicare and Medicaid Services, the Department of Health and Human Services is required to adopt rules to amend the rules on the MaineCare program in Chapter 101, MaineCare Benefits Manual, Chapter II, Section 29 and Chapter III, Section 29 to add home support as a covered service. Rules to amend Chapter II, Section 29 are designated routine technical rules and rules to amend Chapter III, Section 29 are designated major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. Services under the Section 29 program remain capped at an aggregate amount of \$23,771 per year after home support is added.

Enacted Law Summary

Resolve 2013, chapter 24 requires the Department of Health and Human Services to request approval from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to amend the

Joint Standing Committee on Health and Human Services

Section 29 waiver of the MaineCare program in Chapter 101, MaineCare Benefits Manual, Chapters II and III to allow the Department of Health and Human Services to add home support as a covered service. Upon approval by the Centers for Medicare and Medicaid Services, the Department of Health and Human Services is required to adopt rules to amend the rules on the MaineCare program in Chapter 101, MaineCare Benefits Manual, Chapter II, Section 29 and Chapter III, Section 29 to add home support as a covered service. Rules to amend Chapter II, Section 29 are designated routine technical rules and rules to amend Chapter III, Section 29 are designated major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. Services under the Section 29 program remain capped at an aggregate amount of \$23,771 per year after home support is added.

See also LD 969.

**LD 20 Resolve, Directing the Department of Health and Human Services To
Review the Need for and the Costs of Services That Enable Populations
Who Are Elderly or Have Disabilities To Live Independently** **HELD BY
GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN GATTINE	OTP	S-331 HILL

This bill provides additional General Fund appropriations of \$1,500,000 in each of fiscal years 2013-14 and 2014-15 for the Department of Health and Human Services to fully fund the independent support services program, also known as the homemaker services program. This appropriation is intended to eliminate the waiting list for the independent support services program.

Senate Amendment "A" (S-331)

This amendment replaces the bill with a resolve and directs the Department of Health and Human Services to begin by December 1, 2013 reviewing and analyzing the need for services for instrumental activities of daily living among Maine's populations who are elderly or who have disabilities, the costs of providing services, the potential for savings and projections of need. This amendment directs the Department of Health and Human Services based on its review of costs and potential savings to submit by January 1, 2014 an inquiry to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services regarding the feasibility of obtaining a Medicaid waiver or a state plan amendment to enable the State to provide coverage for instrumental activities of daily living under the MaineCare program. If in response to the inquiry the Centers for Medicare and Medicaid Services indicates that it is feasible to obtain a Medicaid waiver or state plan amendment to enable the State to provide coverage for instrumental activities of daily living, the Department of Health and Human Services must apply for the necessary waiver or submit the state plan amendment by July 1, 2014.

**LD 22 An Act To Promote Equity in Business Opportunity for Tobacco
Specialty Stores** **ACCEPTED
MAJORITY
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMPER VILLA	ONTP OTP-AM	

Current law allows the on-premises service, preparation and consumption of food and drink in tobacco specialty stores only if those stores were licensed for such services prior to January 1, 2007.

This bill removes the prohibition on the acquisition of such licenses by tobacco specialty stores subsequent to January 1, 2007.