

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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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

prior year exceed program expenses for that year.

Committee Amendment "A" (H-512)

This amendment replaces the bill. The amendment strikes the application and renewal fees for a medical use of marijuana registry identification card for a qualifying patient. It requires that a registered dispensary file notice and pay a fee when it changes the location of the dispensary or the location at which it cultivates marijuana. The amendment organizes the fees payable to the medical use of marijuana program into one subsection of law, establishes a fee for out-of-date cards and a laboratory testing fee and establishes the range within which the Department of Health and Human Services must establish fees by adopting routine technical rules. The amendment clarifies that registered primary caregivers and the principal officers, board members and employees of registered dispensaries must undergo annual criminal history record checks. The amendment provides for review of the balance in the Medical Use of Marijuana Fund and provides for adjustment of the annual fees charged to registered caregivers and registered dispensaries.

Enacted Law Summary

Public Law 2013, chapter 394 repeals the application and renewal fees for a medical use of marijuana registry identification card for a qualifying patient. The law requires that a registered dispensary file notice and pay a fee when it changes the location of the dispensary or the location at which it cultivates marijuana. The law organizes the fees payable to the medical use of marijuana program into one subsection of law, establishes a fee for out-of-date cards and a laboratory testing fee and establishes the range within which the Department of Health and Human Services must establish fees by adopting routine technical rules. The law clarifies that registered primary caregivers and the principal officers, board members and employees of registered dispensaries must undergo annual criminal history record checks. The law provides for review of the balance in the Medical Use of Marijuana Fund and provides for adjustment of the annual fees charged to registered caregivers and registered dispensaries.

LD 487

Resolve, To Establish MaineCare Eligibility for Young Adults Who Were Formerly in Foster Care

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DORNEY	OTP-AM ONTP OTP-AM	H-99

This resolve directs the Department of Health and Human Services to submit to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services an application for a waiver under the Medicaid program to allow MaineCare to cover a young adult 19 to 25 years of age who was on the date of the young adult's 19th birthday in the custody of the State pursuant to the Maine Revised Statutes, Title 22, chapter 1071.

Committee Amendment "A" (H-99)

This amendment is the majority report of the committee. This amendment replaces the resolve and directs the Department of Health and Human Services to undertake an identification and outreach initiative for young adults who were formerly in foster care, to enroll those eligible in MaineCare and to provide them with a card indicating that the coverage begins on January 1, 2014.

Committee Amendment "B" (H-100)

This amendment is the minority report of the committee. This amendment replaces the resolve and adds emergency language. This amendment establishes eligibility for MaineCare funded entirely from the General Fund beginning July 1, 2013 to December 31, 2013 for certain young adults who were formerly in foster care. This amendment funds that MaineCare coverage from the General Fund.

Joint Standing Committee on Health and Human Services

See also Public Law 2013, chapter 368, page 358, which provides funding for MaineCare coverage for children in the foster care program through age 25 as required by the federal Patient Protection and Affordable Care Act.

LD 488 *Resolve, Directing the Department of Health and Human Services To Develop a Process To Provide Additional Home-based and Community-based Services in the MaineCare Program* CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHENETTE LACHOWICZ	OTP-AM	

This bill provides that Department of Health and Human Services coverage for services to a member who is served under one of the home-based and community-based care waiver programs in MaineCare must be at least 95% of what it would otherwise cost to provide such services to the member if the member were served in a nursing facility.

Committee Amendment "A" (H-325)

This amendment replaces the resolve. It requires the Department of Health and Human Services to develop a process in the MaineCare home-based and community-based waiver program for the elderly and the disabled to provide additional services for up to 25 unduplicated participants per year whose annual cap on services may exceed the current cap as long as the department determines that the additional services are medically necessary, are likely to delay or prevent the institutionalization of the person and are not likely to result in the cost of the services exceeding the estimated costs of comparable services in a nursing facility. The department is required to develop the process, which requires the approval of the federal Department of Health and Human Services Centers for Medicare and Medicaid Services, by October 1, 2013.

This bill was committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 496 *Resolve, To Ensure That Standards for Performance-based Contracts for Individuals with Intellectual Disabilities Include All Employment Options* ONTP

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

This resolve directs the Department of Health and Human Services to continue working with provider agencies to develop standards to ensure consideration of all employment options, including subminimum wage options, under the MaineCare waiver program for individuals who are designated as unemployable. The resolve requires the department to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters before implementing new standards.

LD 499 *An Act To Promote Dental Care for Low-income Populations* CARRIED OVER

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