

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
126<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 2013

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# STATE OF MAINE

126<sup>TH</sup> 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 126<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 126<sup>th</sup> 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

the lot does not charge a fee beyond the attendance fee for a person to camp overnight on the lot.

### Committee Amendment "A" (S-134)

This amendment replaces the bill with a resolve directing the Department of Health and Human Services, Maine Center for Disease Control and Prevention's division of environmental health to review the regulation of camping on premises on which the owner is hosting an event when that camping is temporary in nature and open only to participants and spectators of the event. The amendment directs the department to report the results of its review and any recommended legislation or rulemaking to the Joint Standing Committee on Health and Human Services by January 1, 2014. The amendment removes the emergency preamble and emergency clause.

### Enacted Law Summary

Resolve 2013, chapter 55 directs the Department of Health and Human Services, Maine Center for Disease Control and Prevention's division of environmental health to review the regulation of camping on premises on which the owner is hosting an event when that camping is temporary in nature and open only to participants and spectators of the event. The resolve directs the department to report the results of its review and any recommended legislation or rulemaking to the Joint Standing Committee on Health and Human Services by January 1, 2014.

### LD 629 An Act To Restore Eligibility and Funding for Drug Programs for the Elderly and Disabled

DIED ON  
ADJOURNMENT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE FARNSWORTH	OTP-AM ONTP	S-25

In Public Law 2011, chapter 657, Part HH, the Commissioner of Health and Human Services was directed to seek a waiver to reduce income eligibility levels for the Medicare savings program by 10%. The reduction of income eligibility levels was contingent on the grant of the waiver by the federal Centers for Medicare and Medicaid Services; the waiver was granted. This bill instructs the Commissioner of Health and Human Services to submit an application to restore income eligibility levels for the Medicare savings program to the levels they were before the waiver was granted and makes the increase contingent upon the approval of the federal Centers for Medicare and Medicaid Services. This bill also makes adjustments to appropriations and allocations to reflect the increase in the eligibility levels.

### Committee Amendment "A" (S-25)

This amendment is the majority report of the committee. The amendment incorporates a fiscal note.

### LD 633 An Act To Grant the Commissioner of Health and Human Services and the Commissioner's Designees the Independent Authority To Issue Adjudicatory Subpoenas

PUBLIC 202

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

This bill grants to the Commissioner of Health and Human Services and the commissioner's designees the independent authority to issue administrative subpoenas for adjudicatory proceedings, consistent with statutory authority given to other agencies.

### Enacted Law Summary

*Joint Standing Committee on Health and Human Services*

Public Law 2013, chapter 202 grants to the Commissioner of Health and Human Services and the commissioner's designees the independent authority to issue administrative subpoenas for adjudicatory proceedings, consistent with statutory authority given to other agencies.

**LD 634      An Act Regarding Permits for Final Disposition of Dead Human Bodies      PUBLIC 20**

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

This bill adds the State Registrar of Vital Statistics as a source for obtaining the disposition permit required for transportation, burial, cremation or other disposal of a dead human body after a body is disinterred or removed from a vault or tomb. Currently, the law allows only municipal clerks to issue disposition permits when a body is disinterred or removed. The bill also requires a person in charge of burial grounds or a crematory to add the date that body was disposed of on the disposition permit and return the permit to the registrar or the clerk of the municipality.

**Enacted Law Summary**

Public Law 2013, chapter 20 adds the State Registrar of Vital Statistics as a source for obtaining the disposition permit required for transportation, burial, cremation or other disposal of a dead human body after a body is disinterred or removed from a vault or tomb. It also requires a person in charge of burial grounds or a crematory to add the date that body was disposed of on the disposition permit and return the permit to the registrar or the clerk of the municipality.

**LD 650      Resolve, To Require the Department of Health and Human Services To      ONTP**  
**Seek a Federal Waiver of Certain Requirements Regarding Contracting**  
**for Transportation Services under MaineCare**

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

This resolve requires the Department of Health and Human Services to request a federal waiver from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services. The application must seek approval for the Department of Health and Human Services to award nonprofit regional transportation providers in the State with contracts for MaineCare nonemergency transportation without the required involvement of a broker to separate the requests for trips from those who provide them. The department is required to submit the application for a waiver by October 1, 2013.

**LD 678      An Act To Allow Random Drug Testing for Recipients of Certain Public      ONTP**  
**Benefits**

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

Current law allows the drug testing of a person receiving Temporary Assistance for Needy Families, or TANF, program benefits if the person has been convicted of a drug-related felony within the past 20 years. If the drug test is positive for illegal drugs, a second test may be requested by the person and the suspension of TANF program