

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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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

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

Joint Standing Committee on Health and Human Services

benefits may be avoided if the person enrolls in a substance abuse treatment program.

This bill repeals that law and instead allows the random drug testing of a person receiving MaineCare benefits, TANF program benefits or general assistance and requires the suspension of those benefits if the person tests positive for use of an illegal drug. The benefits may resume once the person does not test positive for use of an illegal drug.

LD 710 Resolve, Requiring the Department of Health and Human Services To ONTP
Adopt an Alternative MaineCare Nonemergency Transportation System
to the Current Risk-based Prepaid Ambulatory Health Plan

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

This resolve requires the Department of Health and Human Services to adopt an alternative MaineCare nonemergency transportation system to the current risk-based prepaid ambulatory health plan. The department shall examine the transportation models presented by the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services and adopt one of the models that is not a risk-based prepaid ambulatory health plan. The current contracts issued under the risk-based system remain in place, but at the end of the contract period new requests for proposals must comply with the newly adopted system.

LD 711 An Act To Facilitate Patient Education PUBLIC 336

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LACHOWICZ GATTINE	OTP-AM	S-200

This bill exempts a registered nurse educator who provides post prescription training to a patient or caregiver in a patient's place of residence from the laws governing the licensure of home health care providers.

Committee Amendment "A" (S-200)

This amendment replaces the bill. The amendment repeals an outdated provision of law, enacts a definition of "registered nurse educator" and excludes registered nurse educators from the provisions of the Maine Revised Statutes, Title 22, chapter 419, which concerns home health services and the licensure of home health care providers.

Enacted Law Summary

Public Law 2013, chapter 336 repeals an outdated provision of law, enacts a definition of "registered nurse educator" and excludes registered nurse educators from the provisions of the Maine Revised Statutes, Title 22, chapter 419, which concerns home health services and the licensure of home health care providers.