

# 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***

**LD 897      An Act To Establish the Volunteer Advocate Program and the  
Volunteer Advocate Program Council**

**VETO  
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WILLETTE JACKSON T	OTP-AM ONTP	H-462

This bill establishes in law the Volunteer Advocate Program to replace the Volunteer Correspondent Program established in 1978 pursuant to the Pineland Consent Decree. The bill establishes a structure and guidelines for the enhancement and continuation of a program of volunteer advocates for persons with intellectual disabilities and autism with the goal of establishing an independent not-for-profit corporation to provide volunteer advocacy services.

**Committee Amendment "A" (H-462)**

This amendment is the majority report of the committee. This amendment changes the name of the Volunteer Advocate Program Board to the Volunteer Advocate Program Council, places the council within the Maine Developmental Services Oversight and Advisory Board established pursuant to the Maine Revised Statutes, Title 34-B, section 1223 and gives to the board the responsibility of making recommendations to the Governor for appointments to the council. This amendment adds a person who serves as a volunteer advocate under the Volunteer Advocate Program to the list of persons who are required to report to the Department of Health and Human Services known or suspected abuse, neglect or exploitation of an incapacitated or dependent adult. The amendment allows council members to serve three terms and changes the budget of the council to a portion of the budget of the Maine Developmental Services Oversight and Advisory Board in the same proportion as was provided to the volunteer correspondent program. The amendment adds to the duties of the council supervision of the program coordinator. The amendment removes from the provision on fund-raising the statement on use of funds to defray the State's budget expenditure for the program. The amendment adds to the council's duties the duty to exercise operational control of the program. The amendment adds rulemaking and bylaw and policy responsibilities for the Maine Developmental Services Oversight and Advisory Board. The amendment adds to the duties of the council the duty to provide an annual report to the board, the department and the joint standing committee of the Legislature having jurisdiction over health and human services matters on the activities of the council and the operations of the program. The amendment clarifies that a volunteer advocate is available to a person who requests the assignment of an advocate and allows a consumer to restrict the advocate's access to people, facilities and records. The amendment changes existing provisions of law on personal planning for persons with intellectual disabilities or autism, enacting a definition of "volunteer advocate," eliminating references to volunteer correspondents and substituting references to volunteer advocates.

**LD 908      An Act To Limit MaineCare Reimbursement for Suboxone and  
Methadone Treatment**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

Current law limits to 24 months MaineCare coverage or reimbursement for buprenorphine and naloxone combination drugs, also known as Suboxone, for the treatment of addiction to opioids and for methadone for the treatment of addiction to opiates. The Department of Health and Human Services may authorize an extension of the 24-month limit for Suboxone or methadone.

*Joint Standing Committee on Health and Human Services*

This bill removes the ability of the department to authorize an extension of the 24-month limit for either Suboxone or methadone and specifies that the 24-month limit on Suboxone is a lifetime maximum limit. This lifetime limit is already in place for methadone.

**LD 909      Resolve, To Establish MaineCare Eligibility for Parents Participating in Reunification Activities      RESOLVE 61**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMANN MILLETT	OTP-AM	H-248

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 MaineCare waiver to cover parents who are MaineCare members or are eligible to be MaineCare members who are participating in rehabilitation and family reunification activities in accordance with a rehabilitation and reunification plan. Under the waiver, coverage would last until the parent ceases to participate in reunification activities or until parental rights are terminated.

**Committee Amendment "A" (H-248)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Resolve 2013, chapter 61 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 MaineCare waiver to cover parents who are MaineCare members or are eligible to be MaineCare members who are participating in rehabilitation and family reunification activities in accordance with a rehabilitation and reunification plan. Under the waiver, coverage would last until the parent ceases to participate in reunification activities or until parental rights are terminated.

**LD 928      An Act To Improve MaineCare Nursing Home Reimbursement To Preserve Access and Promote Quality      CARRIED OVER**

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

This bill provides supplemental MaineCare payments to nursing homes that serve a high percentage of MaineCare residents and establishes a pay-for-performance program in nursing homes. The Department of Health and Human Services is authorized to adopt emergency rules to take effect retroactively to July 1, 2013 for the establishment of the supplemental MaineCare payments to nursing homes that serve a high percentage of MaineCare residents.

The bill also appropriates state funds and allocates matching federal funds for cost-of-living increases for MaineCare reimbursement to nursing facilities in the 2014-2015 biennium.

**Committee Amendment "A" (H-365)**

This amendment is the majority report of the committee. This amendment deletes all of the provisions of the bill and inserts an appropriation and an allocation sufficient to grant to nursing facilities a 2% rate increase in MaineCare reimbursement rates for nursing facilities.