

# 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 1030     An Act To Require That Electronic Benefits Transfer System Cash Benefits Are Used for the Purpose for Which the Benefits Are Provided**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

This bill requires a recipient of benefits under the electronic benefits transfer system to retain a receipt of every cash transaction the recipient makes under the system and to provide the receipts monthly to the Department of Health and Human Services. This bill requires the Department of Health and Human Services to deduct the amount of a transaction the department determines is improper under state or federal law from the recipient's monthly benefits.

**Committee Amendment "A" (H-518)**

This amendment, which is the minority report of the committee, replaces the bill. It prohibits recipients of Temporary Assistance for Needy Families, or TANF, benefits from using benefits to purchase alcoholic beverages or tobacco products. The amendment also requires recipients of TANF to retain receipts for cash transactions, including those made with cash withdrawn from the electronic benefits transfer system card, for 12 months. The Department of Health and Human Services may audit the receipts for a six-month period for up to 1% of all TANF recipients to determine if a recipient has spent TANF cash benefits on prohibited items. If the Department of Health and Human Services determines that such a purchase has been made, the department is required to deduct that amount from the recipient's TANF benefits for the following month.

**LD 1031     An Act To Require a Mandatory Peer Review Process for the Restraint and Seclusion of Children in a Hospital or Children's Home**

**CARRIED OVER**

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

This bill requires the Commissioner of Health and Human Services to establish a procedure for reviewing the use of restraint and seclusion for children receiving services in a hospital or children's home, including a mandatory review process for the repeated use of restraint or seclusion. It also adds a physician, other than the attending physician, to the review team that reviews behavior modification and behavior management programs for children under 18 years of age.

This bill was 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 1032     Resolve, Establishing the Commission To Study the Incidence of and Mortality Related to Cancer**

**VETO  
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCGOWAN	OTP-AM ONTP	H-344

This resolve directs the Department of Health and Human Services to establish a task force to study the high incidence of cancer in the State, ways to lower the incidence of cancer and how the State can assist its citizens

***Joint Standing Committee on Health and Human Services***

through education and prevention programs. The department is directed to invite interested parties to serve on the task force and to make its findings available to the public in distributable format and online.

**Committee Amendment "A" (H-344)**

This amendment is the majority report of the committee. The amendment retains the duties of the task force proposed in the resolve and changes that task force into the Commission To Study the Incidence of and Mortality Related to Cancer. This amendment provides for appointments of 13 members by the President of the Senate and the Speaker of the House. This amendment directs the commissioners of several state agencies to provide information and data to the commission. This amendment authorizes the Legislative Council to provide staffing to the commission. This amendment directs the commission to submit a report to the Joint Standing Committee on Health and Human Services by December 4, 2013.

See also LD 1574.

**LD 1047      Resolve, To Provide a Better Transition for Foster Children to Independent Adulthood**

**CARRIED OVER**

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

This resolve directs the Commissioner of Health and Human Services to review and analyze services for persons in foster care making the transition to independent adulthood, including services provided under a voluntary extended support agreement, also known as a V9 agreement. The commissioner is required to submit a report containing the results of the review and analysis to the Joint Standing Committee on Health and Human Services by January 15, 2014, and the committee is authorized to submit a bill regarding the report to the Second Regular Session of the 126th Legislature.

This bill was 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 1062      An Act To Add Conditions That Qualify for Medical Marijuana Use**

**PUBLIC 361**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DICKERSON GERZOFKY	OTP-AM ONTP	H-398

This bill amends the Maine Medical Use of Marijuana Act to add to the list of debilitating medical conditions for which a physician may certify the use of medical marijuana. The conditions added are post-traumatic stress disorder, opiate or pharmaceutical drug addiction and recovery and any other medical condition or its treatment as determined by a physician.

**Committee Amendment "A" (H-398)**

This amendment is the majority report of the committee. The amendment revises the listed medical conditions that qualify a patient for the medical use of marijuana. The amendment adds to the list of conditions post-traumatic stress disorder, inflammatory bowel disease, dyskinetic and spastic movement disorders and otehr diseases ccausing severe and persistent myuscle spasms. The amendment removes from the list of conditions Crohn's disease and a chronic or debilitating disease or medical condition or its treatment that produces severe and persistent muscle spasms, including but not limited to those characteristic of multiple sclerosis.