

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

STAFF:

JANE ORBETON, SENIOR ANALYST
ANNA BROOME, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
&
CHRISTOPHER NOLAN
OFFICE OF FISCAL AND PROGRAM REVIEW
5 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1635

MEMBERS:

SEN. MARGARET M. CRAVEN, CHAIR
SEN. COLLEEN M. LACHOWICZ
SEN. JAMES M. HAMPER

REP. RICHARD R. FARNSWORTH, CHAIR
REP. JANE P. PRINGLE*
REP. PETER C. STUCKEY
REP. KATHERINE W. CASSIDY
REP. ANN E. DORNEY
REP. DREW M. GATTINE
REP. DEBORAH J. SANDERSON
REP. RICHARD S. MALABY
REP. HEATHER W. SIROCKI
REP. CAROL A. MCELWEE
REP. HENRY JOHN BEAR

*Rep. Jane P. Pringle temporarily appointed for the duration of the absence of Rep. Matthew Peterson on the Health and Human Services Committee

STATE OF MAINE

126TH LEGISLATURE

FIRST REGULAR SESSION



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

**LD 1188 Resolve, Directing the Department of Health and Human Services To
Amend Its Rules of Reimbursement under the MaineCare Program for
Audiology and Speech-language Pathology Services**

CARRIED OVER

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

This resolve directs the Department of Health and Human Services to amend the rules of reimbursement under the MaineCare program for audiology and speech-language pathology services by October 1, 2013 in order to equalize rates, eliminate a prior authorization requirement and provide for payment by the MaineCare program of the Medicare deductible for audiology services for certain MaineCare members. The rules are designated as routine technical rules.

Committee Amendment "A" (H-494)

This amendment deletes the provisions of the resolve that pertain to services for persons who are eligible for the Medicare program and that pertain to prior authorization. The amendment retains the provision that raises rates for speech and hearing pathology services, but at only half the increase proposed in the resolve, and replaces references to "hearing services" with references to "audiology services." It also adds an appropriations and allocations section.

This bill was committed to the Joint Standing Committee on Appropriations and Financial Affairs and 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 1189 Resolve, Regarding Implementation of Cost-of-living Increases for
Nursing Facilities**

**RESOLVE 72
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE	OTP-AM	H-513

This bill amends the law governing the nursing facility and assisted living facility cost-of-living adjustment enacted by the 125th Legislature to specify that during the first year in which an adjustment is made, the reimbursement is reduced by that portion of the adjustment that exceeds the percentage increase in wages and benefits actually provided to frontline employees during the facility's fiscal years ending in 2009, 2010 and 2011.

Committee Amendment "A" (H-513)

This amendment replaces the bill. It directs the Department of Health and Human Services to adopt rules regarding the cost-of-living adjustment payable to a nursing facility for the fiscal year that ends in 2012 that allow full payment of the cost-of-living adjustment if the required wage increases to frontline employees are granted over a longer period of time than allowed by current rule. The amendment authorizes the Department of Health and Human Services to adopt the rules on an emergency basis. The amendment designates the rules as routine technical rules.

Enacted Law Summary

Resolve 2013, chapter 72 directs the Department of Health and Human Services to adopt rules regarding the cost-of-living adjustment payable to a nursing facility for the fiscal year that ends in 2012 that allow full payment of the cost-of-living adjustment if the required wage increases to frontline employees are granted over a longer period of time than allowed by current rule. The resolve authorizes the Department of Health and Human Services to adopt the rules on an emergency basis. The resolve designates the rules as routine technical rules.

Joint Standing Committee on Health and Human Services

Resolve 2013, chapter 72 was finally passed as an emergency measure effective June 28, 2013.

LD 1213 An Act To Reduce Costs and Increase Access to Methadone Treatment CARRIED OVER

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

This bill proposes to decrease costs of and increase access to substance abuse treatment services by requiring the Department of Health and Human Services to increase the number of federally qualified health centers that provide methadone treatment services, to require enrollment at the clinic closest to the person's home and to work to facilitate access to services and distribution of services across the State. The bill requires the department to amend the methadone clinic rules to eliminate the requirement that the centers be open for administration of methadone treatment on Sundays. The bill designates the rules as routine technical rules. The department is required to work with stakeholders to address current rules and policies that act as barriers to achieve the intent of this legislation.

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 1214 An Act To Require a Mandatory Assessment by a Physician prior to ONTP
Psychotropic or Electroconvulsive Therapy

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

This bill requires a physical examination by a physician prior to the administration of psychotropic drugs or electroconvulsive therapy to a person in a hospital with a psychotic condition.

LD 1215 An Act To Protect Public Health by Regulating Excessive Wood Smoke INDEF PP
as a Nuisance

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

This bill makes operating in a densely populated area an outdoor wood-burning device that produces visible emissions totaling 12 minutes in any hour that cross onto any land or buildings immediately adjacent to a dwelling or commercial building not owned by the owner of the outdoor wood-burning device a nuisance. A fine of not less than \$10 nor more than \$100 may be adjudged for creating the nuisance.

Committee Amendment "A" (H-284)

This amendment, which is the minority report of the committee, amends the bill to apply to all wood-burning devices rather than only outdoor wood-burning devices. The bill does not apply to outdoor wood boilers which are governed by the Department of Environmental Protection. The amendment removes the definition for "densely populated area" and adds a definition for "residential area" that includes residential zoning and areas that are designated growth areas in a municipal comprehensive plan. It removes the range of fines that may be adjudged from between \$10 and \$100 and instead specifies a fine of \$100. Emissions generated by wood-burning devices during the course of a ceremony of a federally recognized Indian tribe are exempt from the emissions regulation.