

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

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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

percentage and a pool available for exceptions and rewards. Up to 10% of available funds are allowed in the pool.

See also LD 986.

LD 1246 **An Act To Promote Greater Staffing Flexibility without Compromising Safety or Quality in Nursing Facilities** **ONTP**

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

Currently, nursing home staffing ratios are calculated based on individual 8-hour shifts. This bill requires the Department of Health and Human Services to adopt acuity-based staffing, calculated over a 24-hour period and tied to a quality and safety threshold established by federally gathered data relevant to resident harm. Nursing homes would still ultimately be required to staff according to residents' needs. The bill provides that changes to the licensing rules are major substantive rules.

See also LD 986.

LD 1247 **An Act To Expand Coverage of Family Planning Services** **CARRIED OVER**

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

This bill expands Medicaid coverage for family planning services to adults and adolescents who have incomes less than or equal to 200% of the nonfarm income official poverty line as defined by the federal Office of Management and Budget.

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).

This amendment, which is the majority report of the Joint Standing Committee on Health and Human Services, incorporates a fiscal note.

LD 1274 **An Act To Sustain Emergency Medical Services throughout the State** **HELD BY GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE FARNSWORTH	OTP-AM	S-218 S-357 HILL

This bill increases MaineCare reimbursement rates for ambulance services to Medicare reimbursement rate levels and provides an appropriation and allocation for the increased costs to the MaineCare program.

Committee Amendment "A" (S-218)

This amendment changes the reimbursement rate for ambulance services from not less than the average allowable reimbursement rate under Medicare to not less than 65% of the average allowable reimbursement rate under Medicare. The amendment also replaces the appropriations and allocations section of the bill.

Joint Standing Committee on Health and Human Services

Senate Amendment "A" To Committee Amendment "A" (S-357)

This amendment delays until March 1, 2015 increasing MaineCare reimbursement for ambulance services to 65% of the average allowable Medicare rate.

LD 1284 An Act Regarding Delayed Birth Registration

DIED BETWEEN HOUSES

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

This bill removes an affidavit of personal knowledge as an accepted document as evidence of birth required for a delayed registration of birth. The bill also changes from more than 15 years to 15 years or more the number of years after which supporting documentation is required as evidence.

Committee Amendment "A" (S-205)

This amendment, which is the majority report of the committee, adds to the bill by allowing for the use of an affidavit of personal knowledge to establish delayed registration of birth only when there are insufficient supporting documents and with the approval of the State Registrar of Vital Statistics. The Department of Health and Human Services is directed to adopt rules. The department's rules may allow for the use of court determination of paternity if it can be used to establish parentage prior to the filing of the delayed birth certificate and must allow for the use of an affidavit of personal knowledge only when insufficient reporting documents are available and with approval of the state registrar.

LD 1294 An Act To Increase the Penalty for Smoking in a Motor Vehicle When a Child Is Present

ONTP

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

This bill increases the fine for smoking in a motor vehicle when a child is present from \$50 for all offenses to \$250 for a first offense and \$500 for a second or subsequent offense. It requires fines to be deposited in the Fund for a Healthy Maine and used for smoking cessation activities. The court is required to report information regarding a person who is adjudicated of a third or subsequent offense to the office of the Department of Health and Human Services responsible for child protection. It allows an offender the option of taking a class on the dangers of secondhand smoke to children and receiving a fine waiver for a first offense and requires an offender to take a class on the dangers of secondhand smoke to children for a second offense if the offender has not taken this class before.

LD 1333 Resolve, Directing the Department of Health and Human Services To Amend the MaineCare Benefits Manual

DIED ON ADJOURNMENT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN ROTUNDO	OTP-AM	S-206

This resolve directs the Department of Health and Human Services to amend its rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 45.03 to pay a distinct psychiatric unit discharge rate equal to \$9,128.31 per