

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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126TH 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 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 1388 An Act To Clarify Civil Liability of Persons Making False Claims to the
Department of Health and Human Services**

PUBLIC 235

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANDERSON HAMPER	OTP-AM	H-250

This bill clarifies liability for conduct associated with false claims made to the Department of Health and Human Services. It changes the description of the statements, documents and records the making or submission of which incurs liability and adds provisions governing so-called reverse false claims, submission of false information to the department in order to avoid or decrease an obligation to pay or transmit money or property to the department. It adds a definition of "knowing" or "knowingly."

Committee Amendment "A" (H-250)

This amendment adds clarifications that a person must knowingly make false statements or submit false documents that are material to a fraudulent claim to the Department of Health and Human Services to be liable for conduct associated with false claims.

Enacted Law Summary

Public Law 2013, chapter 235 clarifies liability for conduct associated with false claims made to the Department of Health and Human Services. It changes the description of the statements, documents and records the making or submission of which incurs liability and adds provisions governing so-called reverse false claims, submission of false information to the department in order to avoid or decrease an obligation to pay or transmit money or property to the department. It adds a definition of "knowing" or "knowingly" and clarifies that a person must knowingly make false statements or submit false documents that are material to a fraudulent claim to the Department of Health and Human Services to be liable for conduct associated with false claims.

LD 1404 An Act To Ensure the Integrity of Maine's Medical Marijuana Program

**PUBLIC 396
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GILBERT LACHOWICZ	OTP-AM	H-514

This bill amends the Maine Medical Use of Marijuana Act to:

1. Allow primary caregivers to have an unlimited number of registered patients, removing the current restriction of 5 patients; and
2. Allow primary caregivers to have employees. The employees must meet the same age and criminal record requirements as primary caregivers.

Committee Amendment "A" (H-514)

This amendment does the following.

1. It removes from the bill the provision that allows primary caregivers to provide services to an unlimited number of patients.
2. It retains and clarifies the provision of the bill that allows a primary caregiver to employ one person to assist the primary caregiver in performing the duties of the primary caregiver.

Joint Standing Committee on Health and Human Services

3. It allows a primary caregiver, for the purposes of disposing of excess prepared marijuana, to transfer marijuana to a qualifying patient if nothing of value is provided to the primary caregiver and allows the patient to accept the excess prepared marijuana.

4. It directs the Department of Health and Human Services to adopt rules regarding employees of primary caregivers to establish an annual registration fee of no less than \$25 and no more than \$50, to require a criminal history record check prior to registration and annually thereafter and to establish a criminal history record check fee of no less than \$31 and no more than \$60.

Enacted Law Summary

Public Law 2013, chapter 396 does the following.

1. It allows a primary caregiver to employ one person to assist the primary caregiver in performing the duties of the primary caregiver.

2. It allows a primary caregiver, for the purposes of disposing of excess prepared marijuana, to transfer marijuana to a qualifying patient if nothing of value is provided to the primary caregiver and allows the patient to accept the excess prepared marijuana.

3. It directs the Department of Health and Human Services to adopt rules regarding employees of primary caregivers to establish an annual registration fee of no less than \$25 and no more than \$50, to require a criminal history record check prior to registration and annually thereafter and to establish a criminal history record check fee of no less than \$31 and no more than \$60.

Public Law 2013, chapter 396 was enacted as an emergency measure effective July 2, 2013.

LD 1407 An Act To Increase Access to Postsecondary Education for Maine's Children ONTP

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

This bill requires the Department of Health and Human Services to require a parent of an infant under one year of age seeking family assistance from the department to apply on behalf of the infant for a Harold Alfond College Challenge grant or sign a statement indicating why the parent chooses not to apply. The bill also requires the department to provide information to parents about the grants and assist parents in applying if requested.

LD 1411 Resolve, To Require the Department of Health and Human Services To Request a Waiver To Prohibit the Use of Food Supplement Benefits for the Purchase of Taxable Food Items DIED BETWEEN HOUSES

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ HICKMAN	OTP-AM OTP-AM	

This resolve requires the Department of Health and Human Services to request a waiver from the United States Department of Agriculture to allow Maine to prohibit the use of federal Supplemental Nutrition Assistance Program benefits for the purchase of taxable food items.