

# 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

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 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*

- 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<br>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<br>HICKMAN   | OTP-AM<br>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.

*Joint Standing Committee on Health and Human Services*

**Committee Amendment "B" (S-309)**

This amendment, which is the minority report of the committee, incorporates a fiscal note.

**Committee Amendment "A" (S-308)**

This amendment, which is the majority report, amends the bill by replacing it with a requirement that the Commissioner of Health and Human Services convene a work group to consider strategies, educational opportunities and other initiatives to reduce food insecurity, promote healthy eating habits and improve access to fresh fruits and vegetables and local foods through farmers' markets and community-supported agriculture by recipients of benefits under the state-administered federal food supplement program known as SNAP. The Commissioner is required to report the work group's findings and recommendations to the Joint Standing Committee on Health and Human Services by January 15, 2014.

**LD 1416      An Act Regarding Responsibility of General Assistance for a Person      ONTP**  
**Who Is Released from Prison**

| <u>Sponsor(s)</u>   | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| GRATWICK<br>SCHNECK | ONTP                    |                           |

This bill provides that if an applicant for general assistance under the Maine Revised Statutes, Title 22, chapter 1161 has been released from a correctional facility within 45 days of application, the municipality of responsibility for the first 12 months of benefits is the municipality that was on record as the residence of the applicant when the applicant was committed to the correctional facility. The bill requires that a responsible municipality accept applications by telephone as long as the call is being made from a municipal office.

**LD 1417      An Act To Amend the Laws Governing Certain Human Services      PUBLIC 179**  
**Licensing and Certification Requirements**

| <u>Sponsor(s)</u>   | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| HAMPER<br>SANDERSON | OTP-AM                  | S-104                     |

This bill accomplishes the following.

1. To comply with federal requirements, it provides that the survey interval may be up to 15 months for intermediate care facilities for persons with intellectual disabilities.
2. It requires the Department of Health and Human Services to adopt routine technical rules necessary to license intermediate care facilities for persons with intellectual disabilities.
3. It changes the designation for most rules for licensed assisted housing programs from major substantive to routine technical.
4. It changes definitions relating to children's homes by replacing the term "residential child care facility" with "children's residential care facility," replacing the term "emergency shelter" with "emergency children's shelter" and replacing the term "residential treatment facility with secure capacity" with "children's residential treatment facility with secure capacity."
5. It clarifies that rules regarding various levels of children's residential care facilities are routine technical rules.