

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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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

6. It reduces training requirements for the certification of activity coordinators in long-term care facilities from 200 hours to 180 hours.

Committee Amendment "A" (S-104)

This amendment removes from the bill the section that changes the statutory designation of rules for licensed assisted housing programs from major substantive to routine technical.

Enacted Law Summary

Public Law 2013, chapter 179 does 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 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."
4. It clarifies that rules regarding various levels of children's residential care facilities are routine technical rules.
5. It reduces training requirements for the certification of activity coordinators in long-term care facilities from 200 hours to 180 hours.

LD 1423

An Act To Amend the Maine Medical Use of Marijuana Act with Regard to Excess Prepared Marijuana

PUBLIC 393

Sponsor(s)

HICKMAN

Committee Report

OTP-AM
ONTP

Amendments Adopted

H-537

Under the Maine Medical Use of Marijuana Act, a person who is authorized to possess marijuana is limited in the amount of marijuana seedlings, marijuana plants or prepared marijuana that the person may possess. A person who exceeds the specified limits must forfeit the excess amount to a law enforcement officer. A 2nd violation results in the forfeiture of all marijuana in the possession of that person and the revocation of the person's registry identification card. A primary caregiver may transfer excess marijuana to a registered dispensary or another caregiver but only if nothing of value is received in return. This bill allows a qualifying patient or primary caregiver who possesses excess marijuana to sell the excess marijuana to a qualifying patient, primary caregiver or registered dispensary for reasonable compensation. This bill also removes the penalties for possession of excess marijuana.

Committee Amendment "A" (H-537)

This amendment is the majority report of the committee and replaces the bill. This amendment authorizes a registered primary caregiver, for the purpose of disposing of excess prepared marijuana, to transfer for reasonable compensation up to 2 pounds per year to a dispensary and allows a dispensary to accept that transfer. This amendment corrects an error in current law on dispensaries regarding acquisition of marijuana plants.

Enacted Law Summary

Public Law 2013, chapter 393 authorizes a registered primary caregiver, for the purpose of disposing of excess

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prepared marijuana, to transfer for reasonable compensation up to 2 pounds per year to a dispensary and allows a dispensary to accept that transfer. The law corrects an error in the statute regarding dispensaries and the acquisition of marijuana plants.

LD 1443 An Act To Make Convicted Drug Felons Ineligible for TANF Assistance

**ACCEPTED
MAJORITY
(ONTP) REPORT**

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

Current law prohibits a person who has been convicted of a drug-related felony from being denied Temporary Assistance to Needy Families, or TANF, benefits due to that conviction. Current law also allows the drug testing of a person receiving TANF benefits if the person has been convicted of a drug-related felony within 20 years of receiving TANF. If the drug test is positive for illegal drugs, a second test may be requested by the person and, if the second test is positive, the suspension of TANF benefits may be avoided by enrolling in a substance abuse treatment program.

This bill repeals the prohibition against the denial of TANF benefits for a conviction of a drug-related felony, instead providing that anyone who is convicted for a drug-related felony after August 22, 1996 is ineligible for TANF benefits, including a person who is receiving TANF benefits on the effective date of the legislation. The bill also repeals the provision allowing the Department of Health and Human Services to administer drug tests to persons convicted of a drug-related felony and the person who tests positive for illegal drug use to avoid the loss of benefits. The bill requires an applicant for or recipient of TANF benefits to declare in a written, signed statement whether the person or any member of that person's household has been convicted of a drug-related felony.

Committee Amendment "A" (H-519)

This amendment, which is the minority report of the committee, replaces the term "felony drug offense" with "disqualifying drug conviction."

LD 1449 An Act To Amend the Composition and Duties of the Maine Children's Growth Council

CARRIED OVER

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

This bill amends the composition and duties of the Maine Children's Growth Council by:

1. Requiring the Governor, President of the Senate and Speaker of the House of Representatives, when making appointments to the council, to ensure that appointees represent a diversity of interests including early learning coalitions, public health and safety networks, organizations that prevent and address child abuse and neglect and philanthropic organizations;
2. Increasing the number of members who represent statewide associations of business and industry to 2;
3. Adding the commissioner, or the commissioner's designee, of the Department of Corrections, the Department of Economic and Community Development, the Department of Labor and the Department of Public Safety and the Superintendent of Insurance, or the superintendent's designee, as members;