

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
126<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON HEALTH AND HUMAN  
SERVICES**

May 2014

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**STATE OF MAINE**  
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**LEGISLATIVE DIGEST OF BILL SUMMARIES AND**  
**ENACTED LAWS**

The *Digest* is arranged 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.

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 Second Regular Session of the 126<sup>th</sup> Legislature is August 1, 2014. 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 1580      An Act To Use the Dorothea Dix Psychiatric Center To Provide Inpatient      ONTP**  
**Mental Health Services for Forensic Patients**

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

This bill requires the Department of Health and Human Services to use the Dorothea Dix Psychiatric Center to provide services to patients in the custody of the Commissioner of Health and Human Services who pose a likelihood of serious harm to others and for whom there is not sufficient security at the Riverview Psychiatric Center to address the likelihood of serious harm. The bill requires the department to begin planning, physical plant improvements, staff training and administrative procedures for the acceptance of patients from the Riverview Psychiatric Center into the Dorothea Dix Psychiatric Center. The bill requires the department to transfer patients from the Riverview Psychiatric Center into the Dorothea Dix Psychiatric Center as needed beginning July 1, 2014.

**LD 1581      An Act To Improve Business Certainty for Providers of Quality Child      PUBLIC 559**  
**Care**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY	OTP-AM	H-656
CRAVEN	ONTP	H-816 SANDERSON

This bill requires the Department of Health and Human Services to establish a four-step child care quality rating system and provide quality differential payments of 5%, 10% and 25% for the three highest steps. It removes language relating to requirements in the department rules regarding substantial progress toward meeting quality ratings. It provides that the department is not required to pay a quality differential rate for child care services provided through the Temporary Assistance to Needy Families block grant.

**Committee Amendment "A" (H-656)**

This amendment is the majority report of the committee. The bill provides exact mandatory amounts for the quality child care differentials at steps 2, 3 and 4 of the four-step child care quality rating system required by the bill. This amendment instead requires the Department of Health and Human Services to pay quality child care differential rates of at least 2% for step 2 child care services, at least 5% for step 3 child care services and at least 10% for step 4 child care services. These minimum rates are lower than those proposed in the bill. The amendment also adds an appropriations and allocations section.

**House Amendment "A" To Committee Amendment "A" (H-816)**

This amendment amends Committee Amendment "A" to remove the requirement that the Department of Health and Human Services adopt rules to implement a differential rate for child care services as specified in the bill. This amendment also removes the specific quality differential rates for step 2, step 3 and step 4 child care services as specified in the committee amendment and instead requires the rules to provide for graduated quality differential rates for step 2, step 3 and step 4 child care services. Like the bill, this amendment removes the requirement that the rules limit payment of the differential for substantial progress to a period of one year.

**Enacted Law Summary**

Public Law 2013, chapter 559 requires the Department of Health and Human Services to adopt rules to provide for graduated quality differential rates for step 2, step 3 and step 4 child care services. The law removes the requirement that the rules limit payment of the differential for substantial progress to a period of one year. The law states that the department is not required to pay a quality differential rate for child care services provided through

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the Temporary Assistance to Needy Families block grant.

**LD 1582      Resolve, Regarding Legislative Review of Portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 32: Allowances for Waiver Services for Children with Intellectual Disabilities or Pervasive Developmental Disorders, a Major Substantive Rule of the Department of Health and Human Services**

**RESOLVE 94  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This resolve provides for legislative review of portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 32: Allowances for Waiver Services for Children with Intellectual Disabilities or Pervasive Developmental Disorders, a major substantive rule of the Department of Health and Human Services.

**Enacted Law Summary**

Resolve 2013, chapter 94 provides for legislative review and approval of portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 32: Allowances for Waiver Services for Children with Intellectual Disabilities or Pervasive Developmental Disorders, a major substantive rule of the Department of Health and Human Services.

Resolve 2013, chapter 94 was finally passed as an emergency measure effective March 18, 2014.

**LD 1583      Resolve, Regarding Legislative Review of Portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 29: Allowances for Support Services for Adults with Intellectual Disabilities or Autistic Disorder, a Major Substantive Rule of the Department of Health and Human Services**

**RESOLVE 85  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This resolve provides for legislative review of portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 29: Allowances for Support Services for Adults with Intellectual Disabilities or Autistic Disorder, a major substantive rule of the Department of Health and Human Services.

**Enacted Law Summary**

Resolve 2013, chapter 85 provides for legislative review and approval of portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 29: Allowances for Support Services for Adults with Intellectual Disabilities or Autistic Disorder, a major substantive rule of the Department of Health and Human Services.

Resolve 2013, chapter 85 was finally passed as an emergency measure effective February 26, 2014.