

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

STATE OF MAINE
127TH LEGISLATURE
FIRST REGULAR SESSION



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

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

August 2015

STAFF:

ANNA BROOME, LEGISLATIVE ANALYST
MICHAEL O'BRIEN, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
AND
LUKE LAZURE, LEGISLATIVE ANALYST
OFFICE OF FISCAL AND PROGRAM REVIEW
5 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1635

MEMBERS:

SEN. ERIC L. BRAKEY, CHAIR
SEN. EARLE L. MCCORMICK
SEN. ANNE M. HASKELL

REP. DREW GATTINE, CHAIR
REP. PETER C. STUCKEY
REP. MATTHEW J. PETERSON
REP. SCOTT M. HAMANN
REP. CHRISTINE S. BURSTEIN
REP. PATRICIA HYMANSON
REP. DEBORAH J. SANDERSON
REP. RICHARD S. MALABY
REP. FRANCES M. HEAD
REP. KAREN VACHON

STATE OF MAINE

127TH 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 127th 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. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

<i>CARRIED OVER</i>	<i>carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i>	<i>chapter # of constitutional resolution passed by both houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; legislation died</i>
<i>DIED BETWEEN HOUSES</i>	<i>House & Senate disagreed; legislation died</i>
<i>DIED IN CONCURRENCE</i>	<i>defeated in each house, but on different motions; legislation died</i>
<i>DIED ON ADJOURNMENT</i>	<i>action incomplete when session ended; legislation died</i>
<i>EMERGENCY</i>	<i>enacted law takes effect sooner than 90 days after session adjournment</i>
<i>FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE</i>	<i>emergency failed to receive required 2/3 vote</i>
<i>FAILED, ENACTMENT or FINAL PASSAGE</i>	<i>failed to receive final majority vote</i>
<i>FAILED, MANDATE ENACTMENT</i>	<i>legislation proposing local mandate failed required 2/3 vote</i>
<i>HELD BY GOVERNOR</i>	<i>Governor has not signed; final disposition to be determined at subsequent session</i>
<i>LEAVE TO WITHDRAW</i>	<i>sponsor's request to withdraw legislation granted</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>ruled out of order by the presiding officer; legislation died</i>
<i>INDEF PP</i>	<i>indefinitely postponed; legislation died</i>
<i>ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X</i>	<i>ought-not-to-pass report accepted; legislation died</i>
<i>P&S XXX</i>	<i>chapter # of enacted private & special law</i>
<i>PUBLIC XXX</i>	<i>chapter # of enacted public law</i>
<i>RESOLVE XXX</i>	<i>chapter # of finally passed resolve</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's veto</i>

The effective date for non-emergency legislation enacted in the First Regular Session of the 127th Legislature is October 15, 2015. 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

population of the Medicare Savings Program for whom coverage was eliminated in Public Law 2013, chapter 368; and

4. Create a critical access nursing facility designation using criteria that are sensitive to the unique access challenges in remote areas of the State and provide that a critical access nursing facility designation qualifies as an allowable exception to MaineCare budget neutrality.

Committee Amendment "A" (H-77)

This amendment, which is the majority report of the committee, strikes the emergency preamble and emergency clause. It requires the Department of Health and Human Services to amend the rules on principles of reimbursement for nursing facilities in the MaineCare Benefits Manual by January 1, 2016. The amendment removes the provision of the resolve that requires the rules to be amended to restore the crossover payments to nursing facilities related to nondual qualified Medicare beneficiaries because the crossover payments are not part of the principles of reimbursement. The amendment also adds an appropriations and allocations section. The appropriations and allocations section includes an appropriation and an allocation to restore the crossover payments.

Committee Amendment "B" (H-78)

This amendment, which is the minority report of the committee, replaces the resolve and changes the title. It requires the Department of Health and Human Services to explore the use of Medicare Part C plans for the nondual qualified Medicare beneficiaries population served by the Medicare Savings Program to determine if the plans could provide a financial advantage with respect to crossover payments and copayments to nursing facilities as well as to the individuals compared to the current situation. The department is required to report its findings to the Joint Standing Committee on Health and Human Services no later than January 1, 2016.

Senate Amendment "A" To Committee Amendment "A" (S-173)

This amendment amends Committee Amendment "A" to remove the requirement that the Department of Health and Human Services amend the rules as proposed in the resolve, except for the requirement to amend the rules so that the cost of continuing education for direct care staff is included as a direct care cost component. This amendment also removes the appropriations and allocations and restores the emergency preamble and emergency clause as in the resolve.

Enacted Law Summary

Resolve 2015, chapter 34 requires the Department of Health and Human Services to amend its Rule Chapter 101, MaineCare Benefits Manual, Chapter III, Section 67, Principles of Reimbursement for Nursing Facilities so that the cost of continuing education for direct care staff is included as a direct care cost component.

Resolve 2015, chapter 34 was finally passed as an emergency measure effective June 23, 2015.

LD 90

Resolve, To Ensure Appropriate Personal Needs Allowances for Persons Residing in Long-term Care Facilities

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STUCKEY BURNS	ONTP OTP-AM	H-65

This resolve directs the Department of Health and Human Services to amend its rules to provide for increases in the personal needs allowances of residents in nursing facilities and residential care facilities. The rules are designated as routine technical rules.

Committee Amendment "A" (H-65)

Joint Standing Committee on Health and Human Services

This amendment, which is the minority report of the committee, strikes out the emergency preamble and emergency clause. It changes the date the Department of Health and Human Services must adopt rules implementing the increased personal needs allowance from October 1, 2015 to January 1, 2016. It also adds an appropriations and allocations section to the bill.

This bill was carried over on the Special Appropriations Table to any special or regular session of the 127th Legislature by joint order, S.P. 555.

LD 101 An Act To Strengthen and Reform Maine's Welfare System ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to strengthen and reform the State's welfare system.

LD 123 An Act To Reduce Youth Cancer Risk Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRATWICK SANBORN	OTP ONTP	

This bill prohibits tanning facilities and operators from allowing individuals who have not attained 18 years of age to use tanning devices.

LD 133 Resolve, To Establish the Task Force on Independence from Public Assistance ONTP

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

This resolve establishes the Task Force on Independence from Public Assistance. The task force is directed to review and make evidence-based recommendations on initiatives needed to help families receiving public assistance to move out of poverty to independence through employment. The task force must meet up to eight times, consists of 13 members and must report by December 2, 2015 with its findings and recommendations and suggested legislation to the Joint Standing Committee on Health and Human Services.

LD 139 An Act To Allow the Electronic Transfer of Marriage Certificates PUBLIC 104

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

This bill allows both the municipal clerk that issued a marriage license and the clerk from the municipality where the marriage occurred to issue a certified copy of the marriage certificate electronically using the State's registration