

MAINE STATE LEGISLATURE

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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

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STATE OF MAINE

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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 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.

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 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

**LD 369 An Act To Clarify the Immigration Status of Noncitizens Eligible for
General Assistance**

PUBLIC 324

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRAKEY	OTP-AM OTP-AM	S-271 S-292 VOLK

This bill provides that a person who has been determined ineligible to receive benefits administered by the Department of Health and Human Services on the basis of a law, rule or regulation related to that person's immigration status is ineligible to receive municipal general assistance program benefits.

Committee Amendment "A" (S-271)

This amendment, which is the majority report of the committee, allows a noncitizen who is lawfully present in the United States or pursuing a lawful process to apply for immigration relief to be eligible for general assistance.

Committee Amendment "B" (S-272)

This amendment, which is the minority report of the committee, replaces the language of the bill with more specific language identifying which noncitizens are not eligible for general assistance. This amendment adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-292)

This amendment allows a person, beginning July 1, 2015, who is lawfully present in the United States or who is pursuing a lawful process to apply for immigration relief to qualify for general assistance, but only for 24 months.

Enacted Law Summary

Public Law 2015, chapter 324 allows a person, beginning July 1, 2015, who is lawfully present in the United States or who is pursuing a lawful process to apply for immigration relief to qualify for general assistance, but only for 24 months.

**LD 421 An Act To Improve Program Integrity Activities within the Department
of Health and Human Services**

**Died Between
Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE LIBBY	OTP ONTP	

This bill requires the Department of Health and Human Services to report annually by February 15th to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over financial affairs regarding actions taken by the department to investigate program integrity under the MaineCare, Temporary Assistance for Needy Families and food supplement programs, including the amount recovered, the cost of those investigations and prosecutions, the number of personnel working on the investigations, the status of cases referred to the Attorney General's office, a description of the performance and activities of a vendor, contractor or other program integrity unit used by the department to help recover overpayments, a description of the department's participation in federally mandated program integrity efforts, the results of federal audits, a description of defects, deficiencies or weaknesses in department systems, a description of planned investments in technology and a description of policy changes or improvements implemented.

Joint Standing Committee on Health and Human Services

The bill specifies that information disclosed by the Office of the Attorney General for the purposes of the annual report from the Department of Health and Human Services on investigations and prosecutions of false claims made under the MaineCare, Temporary Assistance for Needy Families and food supplement programs on the status of cases must conform to the law on intelligence and investigative record information and may not compromise the investigation or prosecution of a case.

The bill also specifies that the requirements of the bill must be accomplished within the existing resources of the department.

LD 423 An Act To Require Child-resistant Packaging for Nicotine Liquid Containers

PUBLIC 288

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANDERSON JOHNSON	OTP-AM	H-405

This bill prohibits selling, furnishing or giving away a container used to hold any liquid containing nicotine if the container is not child-resistant packaging and prohibits selling, furnishing or giving away a liquid or gel product that contains nicotine unless the product is contained in child-resistant packaging.

Committee Amendment "A" (H-405)

This amendment provides a definition for "electronic nicotine delivery device." It provides that the prohibition in the bill applies only to a nicotine liquid container unless the container is child-resistant packaging. In addition, it directs the Commissioner of Health and Human Services to monitor the status of any effective date of final regulations issued by the United States Food and Drug Administration or by any other federal agency that mandate child-resistant packaging standards for nicotine liquid containers. The commissioner is required to notify the joint standing committee of the Legislature having jurisdiction over health and human services matters when the final regulations have been adopted. Upon receiving this notification, the committee may report out a bill repealing the provisions in this legislation.

Enacted Law Summary

Public Law 2015, chapter 288 prohibits selling, furnishing or giving away a container used to hold any liquid containing nicotine if the container is not child-resistant packaging and prohibits selling, furnishing or giving away a liquid or gel product that contains nicotine unless the product is contained in child-resistant packaging. It creates definitions for "electronic nicotine delivery device" and "nicotine liquid container."

Public Law 2015, chapter 288 directs the Commissioner of Health and Human Services to monitor the status of any effective date of final regulations issued by the United States Food and Drug Administration or by any other federal agency that mandate child-resistant packaging standards for nicotine liquid containers. The commissioner is required to notify the joint standing committee of the Legislature having jurisdiction over health and human services matters when the final regulations have been adopted. Upon receiving this notification, the committee may report out a bill repealing the provisions in this legislation.

LD 433 An Act To Clarify the Liability of Funeral Practitioners

PUBLIC 188

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING BLACK	OTP-AM	S-187