

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
127<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**

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 127<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. 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 127<sup>th</sup> 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*

This bill provides that benefits received through the electronic benefits transfer system may only be redeemed through purchase by electronic transfer and may not be redeemed for cash.

**LD 1035      An Act To Create a 9-month Time Limit on General Assistance Benefits** **Died Between Houses**

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

This bill limits to a maximum of 275 days every five years the general assistance benefits a person who does not have any dependents and who is capable of working may receive.

**Committee Amendment "A" (S-85)**

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

**LD 1036      An Act To Prioritize Use of Available Resources in General Assistance Programs** **Died Between Houses**

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

This bill makes an applicant for general assistance who voluntarily abandons or refuses to use an available resource without just cause ineligible to receive general assistance to replace the abandoned resource for a period of 120 days from the date the applicant abandons the resource. The bill defines "available resource" as a resource that is immediately available or can be secured without delay. The bill also makes an applicant who forfeits an available resource due to fraud, misrepresentation or intentional violation or refusal to comply with rules without just cause ineligible to receive general assistance to replace the forfeited resource for the duration of the sanction imposed on the applicant for violation of a rule or 120 days, whichever is greater. The bill identifies circumstances relating to use of an available resource under which just cause must be found.

**Committee Amendment "A" (S-194)**

This amendment, which is the minority report of the committee, retains from the bill a definition for "available resource" but moves it to the general definition section for the chapter of law relating to municipal general assistance. The amendment also removes the provision in the bill that identifies circumstances relating to the use of an available resource under which just cause must be found, relying instead on the definition of "just cause" in the general definition section.

**LD 1037      An Act To Establish a 180-day Residency Requirement for Welfare Benefits** **Accepted Majority (ONTP) Report**

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

## *Joint Standing Committee on Health and Human Services*

This bill establishes a 180-day residency requirement for applicants for the MaineCare program, the statewide food supplement program, the Temporary Assistance for Needy Families program and municipal general assistance.

### **Committee Amendment "A" (S-263)**

This amendment is the minority report of the committee. The amendment establishes a 180-day residency requirement for state-funded Temporary Assistance for Needy Families, Supplemental Nutrition Assistance Program and supplemental security income and the general assistance program. It does not apply to benefits that include federal funding. A victim of domestic violence is not subject to the 180-day residency requirement.

### **LD 1049    An Act To Further Define Duties for Persons Who Hold Powers of Attorney or Act as Agents for Residents of Long-term Care Facilities**

**PUBLIC 247**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J ROSEN	OTP-AM	H-319

This bill defines duties on the part of persons who hold powers of attorney or act as agents for residents of long-term care facilities or for persons applying to become residents of long-term care facilities and requires them to promptly apply for coverage of services under the MaineCare and other applicable payment programs and comply with all requirements governing these programs. It also provides remedies for breach of those duties. The bill further requires the Department of Health and Human Services to amend the terms and requirements of the standardized nursing facilities admissions contract set forth in the Maine Revised Statutes, Title 22, section 1826 and the standard contract for licensed assisted living programs set forth in applicable rules to incorporate these several duties and requirements. The bill also permits collection of attorney's fees and costs from persons who breach the duties established by this bill.

### **Committee Amendment "A" (H-319)**

This amendment replaces the statutory requirements in the bill with a provision that directs the Department of Health and Human Services to amend rules relating to the terms and requirements and defining the duties, obligations and legal remedies of the parties to the standard admission contract for residents of nursing homes and assisted housing programs. The amendment retains the provision in the bill permitting the collection of attorney's fees and costs from an agent who breaches the agent's duties.

### **Enacted Law Summary**

Public Law 2015, chapter 247 directs the Department of Health and Human Services to amend rules relating to the terms and requirements and defining the duties, obligations and legal remedies of the parties to the standard admission contract for residents of nursing homes and assisted housing programs. It permits the collection of attorney's fees and costs from an agent who breaches the agent's duties.

### **LD 1050    An Act To Reimburse Nursing Homes for the Loss of Coinsurance and Deductibles for Skilled Nursing Beds under Rules Adopted by the Department of Health and Human Services**

**ONTP**

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

This bill reimburses nursing homes for the losses of coinsurance and deductibles for skilled nursing beds under rules adopted by the Department of Health and Human Services as required in Public Law 2013, chapter 368.