

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
127<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 2016

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# STATE OF MAINE

127<sup>TH</sup> LEGISLATURE

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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 Second 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 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 July 29, 2016. 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*

4. Provide psychiatric urgent care centers with accompanying medically supervised crisis beds;
5. Create and fund additional psychiatric observation units;
6. Create an effective and professional mental health placement rapid response team or ombudsman in the Department of Health and Human Services; and
7. Provide additional MaineCare reimbursement for long-stay mental health emergency department patients and patients awaiting placement in psychiatric units.

**LD 1030      An Act To Better Coordinate the Work of Mental Health Crisis Agencies      ONTP**  
**with Law Enforcement Agencies**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION M GERZOFKY S	ONTP	

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill requires the Department of Health and Human Services to provide assistance to crisis intervention teams and agencies that provide mental health crisis services and to law enforcement agencies to enable them to coordinate mental health crisis services. The bill sets July 1, 2016 as the date by which a crisis intervention team or agency must enter into and sign a memorandum of understanding with each law enforcement agency that provides law enforcement services in the area of the State served by the crisis intervention team or agency. The bill requires the memorandum of understanding to be effective for three years and to be renewed for a three-year period upon expiration. The memorandum of understanding must include descriptions of the following: the internal processes that the law enforcement agency uses to identify a person in need of mental health crisis services; the protocol that the law enforcement agency uses to share a contact report with a crisis intervention team or agency; the process the crisis intervention team or agency uses to receive the report; the protocol that the crisis intervention team or agency uses to communicate with a person in need of mental health services or the guardian or family members of that person; and the procedures to be used to convene on a quarterly basis multidisciplinary team meetings to review experiences and discuss opportunities for improvement.

**LD 1097      An Act To Improve the Integrity of Maine's Welfare Programs      PUBLIC 484**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N	OTP-AM OTP-AM	S-481 S-542    BAKER L

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill restricts the use of benefits for recipients of Temporary Assistance for Needy Families under the electronic benefits transfer system by prohibiting use of the electronic benefits transfer system outside of the State, except for in New Hampshire, withdrawals of cash per month in an amount over 25% of a recipient's monthly benefits and expenditures on items such as tobacco products, liquor and lottery tickets and several other similar items. This bill also directs the Department of Health and Human Services to hire five additional fraud investigators.

**Committee Amendment "A" (S-481)**

This amendment is the majority report of the committee. Like the bill, the amendment prohibits the expenditure of benefits received by recipients under the Temporary Assistance for Needy Families program, using the electronic

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

benefits transfer system, for products or services such as tobacco products, liquor and lottery tickets. The amendment requires the Department of Health and Human Services to develop a system to prevent the use of the electronic benefits transfer system for such purchases by blocking the purchases at the point of sale. It establishes penalties for violations. It requires the Commissioner of Health and Human Services to create an implementation committee to determine the most effective system to prevent prohibited expenditures at the point of sale. It directs the implementation committee to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than December 15, 2016. The implementation committee report may include any legislation necessary to implement the system.

### **Committee Amendment "B" (S-482)**

This amendment, which is the minority report of the committee, removes from the bill the restriction on the withdrawal of cash from the electronic benefits transfer system account of a recipient of Temporary Assistance for Needy Families program benefits. It also requires the Office of the Attorney General to hire an additional assistant attorney general to prosecute fraud, replacing the provision in the bill that provides for the hiring of fraud investigators in the Department of Health and Human Services.

This amendment was not adopted.

### **Senate Amendment "A" To Committee Amendment "A" (S-542)**

This amendment makes the following changes to Committee Amendment "A."

1. It removes the requirement that the Department of Health and Human Services establish a system to electronically block the purchase of certain products and services at the point of sale using the electronic benefits transfer system, or "EBT system."
2. It requires the Department of Health and Human Services to find by clear and convincing documentary evidence that the individual knowingly purchased prohibited items using the EBT system and limits recovery by the department to the amount allowed under current law regarding recovery of TANF benefits.
3. It changes the penalty imposed for using the EBT system to purchase prohibited items by imposing a three-month disqualification from receiving benefits for a first offense and increases the penalty for a second offense to a 12-month disqualification and to a 24-month disqualification for a third and subsequent offense.
4. It requires the Department of Health and Human Services to initiate an administrative hearing if the department finds that a recipient of benefits has used the EBT system to purchase prohibited items and requires the notice and hearing to be conducted consistent with the department rules governing notice and hearing for an intentional program violation.
5. It changes the name of the implementation committee, which is responsible for determining options for preventing the use of the EBT system for prohibited purchases, to the feasibility working group and removes the authority of that group to provide advice to the Commissioner of Health and Human Services with respect to the development of rules regarding the EBT system.
6. It removes the appropriations and allocations provided to the Department of Health and Human Services related to the restriction of certain purchases using the EBT system.

### **Enacted Law Summary**

Public Law 2015, chapter 484 prohibits the expenditure of benefits received by recipients under the Temporary Assistance for Needy Families program, using the electronic benefits transfer system, on tobacco products, liquor, gambling activities, lottery tickets, bail, firearms, vacation or travel services, publications or services that contain or promote obscene matters and tattoos. Individuals who knowingly purchase a prohibited item may receive penalties imposed by the Department of Health and Human Services of a three-month disqualification from receiving benefits

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for the first offense, a 12-month disqualification for the second offense and a 24-month disqualification for third and subsequent offenses. The department must initiate an administrative hearing if the department finds that a recipient of benefits has used the EBT system to purchase prohibited items and requires the notice and hearing to be conducted consistent with the department rules governing notice and hearing for an intentional program violation.

Public Law 2015, chapter 484 establishes a feasibility working group to determine options for preventing the use of the EBT system for prohibited purchases by researching, evaluating and recommending the most effective means of ensuring that EBT cards block purchases at the point of sale. The working group shall submit a report of its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than December 15, 2016.

**LD 1149      *Resolve, Directing the Maine Center for Disease Control and Prevention  
To Report on Progress toward Meeting Healthy Maine 2020 Goals  
Pertaining to Reproductive Health*      **ONTP****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURSTEIN C GRATWICK G	ONTP	

This resolve was carried over from the First Regular Session of the 127th Legislature.

This resolve directs the Department of Health and Human Services, Maine Center for Disease Control and Prevention to report by October 1, 2015 to the Joint Standing Committee on Health and Human Services on state-led efforts to achieve goals identified in its document "Healthy Maine 2020" pertaining to reproductive health. The report must include an explanation of failed or failing efforts to meet a goal and evidence-based strategies or recommendations on how state programs can meet the goal and a description of the State's efforts to improve the health and welfare of its citizens, including efforts to increase high school graduation rates.

**LD 1209      *An Act To Increase the Effectiveness of Peer Supports in the State*      **ONTP****

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

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill establishes a peer support services program in the Office of Substance Abuse and Mental Health Services within the Department of Health and Human Services. The bill requires each assertive community treatment team to include at least one full-time intentional peer support specialist certified by the department. "Intentional peer support specialist" is defined. The bill requires the department to appoint and convene the Intentional Peer Support Advisory Committee. It requires the department to adopt necessary rules and designates the rules as routine technical rules. It also requires the costs of intentional peer support services and the advisory committee to be met through the transfer of funding from the Mental Health - Community account and the Mental Health - Community Medicaid account and through the discontinuance of two full-time positions within the Office of Substance Abuse and Mental Health Services.