

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

127TH 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 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

LD 1090 Resolve, To Establish a Pilot Project for Medicaid Reimbursement for Acupuncture Treatment of Substance Abuse Disorders Veto Sustained

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| SANDERSON | OTP-AM ONTP | H-438 |

This resolve requires the Department of Health and Human Services and the department's Office of Substance Abuse and Mental Health Services to apply for a community-based waiver from the federal United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to develop a pilot project to treat alcohol abuse disorders, substance abuse disorders and co-occurring disorders using the National Acupuncture Detoxification Association auricular acupuncture protocol. The project may last no longer than two years and must be reimbursable as allowed under the United States Social Security Act and be cost-neutral or result in savings to the MaineCare program. The department and the office must report their findings to the joint standing committee of the Legislature having jurisdiction over health and human services matters at the end of the project.

Committee Amendment "A" (H-438)

This amendment is the majority report. The amendment requires the Department of Health and Human Services and the department's Office of Substance Abuse and Mental Health Services to apply by January 1, 2016 for authorization from the federal United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to develop a pilot project to treat alcohol abuse disorders, substance abuse disorders and co-occurring disorders using the National Acupuncture Detoxification Association auricular acupuncture protocol. The amendment requires the department to consult with the statewide association representing licensed acupuncturists in the establishment of treatment standards. The amendment requires that the treatment be provided by a person who is licensed to practice acupuncture in the State and whose license is in good standing.

LD 1097 An Act To Improve the Integrity of Maine's Welfare Programs CARRIED OVER

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| LIBBY | | |

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 percent 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.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

LD 1108 An Act To Protect Children and the Public from Vapor from Electronic Smoking Devices PUBLIC 318

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| MCCABE | OTP-AM OTP-AM | H-428 |

This bill includes in the definition of "smoking" an electronic cigarette giving off vapor for the purpose of restricting smoking in public places.

Joint Standing Committee on Health and Human Services

Committee Amendment "A" (H-428)

This amendment, which is the majority report, changes the bill's title, replaces the defined term "electronic cigarette" with a new defined term, "electronic smoking device" and amends the definition of "smoking" to include use of an electronic smoking device.

Committee Amendment "B" (H-429)

This amendment, which is the minority report, changes the bill's title and replaces the bill. The amendment enacts a definition of "electronic nicotine delivery device" and restricts the use of an electronic nicotine delivery device in hospitals, schools and day cares.

Enacted Law Summary

Public Law 2015, chapter 318 defines a new term, "electronic smoking device," and amends the definition of "smoking" to include use of an electronic smoking device for the purpose of prohibiting the use of an electronic smoking device in public places.

LD 1115 An Act To Make the State's Standard for Lead Exposure in Children INDEF PP
Consistent with the Federal Standard

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

This bill amends the definition of "lead poisoning," making the State's standard for lead exposure in children consistent with the federal standard.

Committee Amendment "A" (S-270)

This amendment, which is the majority report of the committee, grants the Department of Health and Human Services authority to impose penalties for violations of the Lead Poisoning Control Act and the rules adopted pursuant to that Act. The amendment also adds an appropriations and allocations section.

Public Law 2015, chapter 267 provides funding to hire eight limited-period Environmental Specialist III positions through June 10, 2017 to review inspections, issue orders to abate hazards, track to make sure abatements occur and work with families on interim controls to reduce hazards until the abatement is complete.

LD 1125 An Act To Expand Public Access to Epinephrine Autoinjectors PUBLIC 231

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| PETERSON HASKELL | OTP-AM | H-250 |

This bill allows entities, organizations and places of employment at which allergens capable of causing anaphylaxis may be present, other than schools, to stock prescribed epinephrine autoinjectors and administer them to persons believed in good faith to be experiencing anaphylaxis and provides that those entities, organizations and places of employment may not be held liable for any injuries or related damages that may result. It requires training for employees or agents of such entities, organizations or places of employment. It also provides for the establishment of emergency public access stations to contain stocks of epinephrine autoinjectors, allows health care practitioners to stock them with epinephrine autoinjectors and to provide individuals accessing the stations with consultation services in real time by audio, video or other similar means of electronic communication and provides that persons