

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

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

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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

Protection and Affordable Care Act, as amended by the federal Health Care and Education Reconciliation Act of 2010.

LD 1294 An Act To Improve the Health of Maine Residents through Education and Health Care INDEF PP

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

This bill allocates funds on a one-time basis to the Department of Health and Human Services, Fund for a Healthy Maine to improve the health of Maine residents through education and health care for the fiscal year 2015-16.

Committee Amendment "A" (H-195)

This amendment, which is the majority report of the committee, incorporates a fiscal note.

LD 1295 An Act To Streamline Regulation of Farms, Food Producers and Food Establishments Leave to Withdraw Pursuant to Joint Rule

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HICKMAN LANGLEY		

This bill moves the licensing and regulatory responsibility for the sale of prepared food from the Department of Health and Human Services to the Department of Agriculture, Conservation and Forestry. The bill also amends cross-references and other provisions of law to reflect this change.

LD 1307 An Act To Fund the Maine Diversion Alert Program PUBLIC 304 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WILLETTE FOWLE	OTP-AM ONTP	S-106

This bill directs the Department of Health and Human Services to determine the amount of funding required to maintain the Maine Diversion Alert Program statewide, to seek ongoing funding sources for the program and to report its findings and recommendations to the Joint Standing Committee on Health and Human Services no later than January 1, 2016. It also provides one-time General Fund appropriations of \$95,000 in fiscal year 2014-15, fiscal year 2015-16 and fiscal year 2016-17 for the Department of the Attorney General to maintain funding for the program.

Committee Amendment "A" (S-106)

This amendment, which is the majority report of the committee, strikes out the requirement for the Department of Health and Human Services to seek ongoing funding for the Maine Diversion Alert Program. It also strikes the appropriations for the 2014-15 fiscal year and the 2016-17 fiscal year.

Enacted Law Summary

Public Law 2015, chapter 304 provides a one-time General Fund appropriation of \$95,000 in fiscal year 2015-16 for

Joint Standing Committee on Health and Human Services

the Department of the Attorney General to maintain funding for the Maine Diversion Alert Program.

Public Law 2015, chapter 304 was enacted as an emergency measure effective July 1, 2015.

LD 1316 An Act Regarding the Employment of Certified Nursing Assistants and Direct Care Workers ONTP

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

This bill implements the recommendations of the working group created under Resolve 2009, chapter 68, which reviewed employment bans based on criminal convictions, the rational basis for the employment ban and the length of the employment ban prohibiting an individual from working as a certified nursing assistant or unlicensed assistive person. It prohibits the employment of a certified nursing assistant who, while working as a certified nursing assistant, was the subject of a complaint investigation by the division of licensing and regulatory services within the Department of Health and Human Services, which is the designated state survey agency pursuant to federal law, that resulted in a substantiated complaint that was placed as a notation on the Maine Registry of Certified Nursing Assistants and Direct Care Workers or received a disqualifying criminal conviction that was placed as a notation on the registry or has any disqualifying criminal conviction. It prohibits the employment of an unlicensed assistive person who, while working as an unlicensed assistive person, was the subject of a complaint investigation by the Department of Health and Human Services that resulted in a substantiated finding that was placed as a notation on the registry. It requires the department to categorize criminal convictions as either disqualifying or nondisqualifying convictions and to set 10-year bans and 30-year bans on employment for disqualifying convictions. It sets a lifetime ban on employment for substantiated complaints involving abuse, neglect or misappropriation of property. It provides for petitions for the removal of employment bans. It grandfatheres in certain currently employed certified nursing assistants and unlicensed assistive persons, but provides that if they change their employers or employment at a specific facility or program, they become subject to the law. It provides for the department to establish an advisory board to recommend changes to the list of named crimes in the registry. It requires the department to obtain criminal history record information for certified nursing assistants every two years and employers to obtain criminal history record information prior to hiring an individual.

See LD 1426.

LD 1324 An Act To Create Transparency with Regard to Large Employers in the State with Workforce Members Who Receive Public Benefits Died Between Houses

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

This bill requires the Department of Health and Human Services to submit a quarterly report to the Governor and the Legislature that includes the information for each employer in the State that has 50 or more employees who are either MaineCare beneficiaries or who are the spouses or custodial parents of MaineCare beneficiaries. For each such employer, the report must include information on the numbers of employees who are MaineCare beneficiaries, spouses of MaineCare beneficiaries, custodial parents of MaineCare beneficiaries, full-time employees and part-time employees. The report must also include information on whether the employer offers health insurance benefits to full-time employees, part-time employees, employees' spouses or employees' dependents, and the cost to the State of providing MaineCare benefits for the employer's employees and enrolled dependents listed as total cost and per capita cost.