

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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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.

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House Amendment "A" (H-468)

This amendment provides that the result of an individual written screening questionnaire is exempt from the Freedom of Access Act, along with the result of an individual drug test as specified in the bill. This amendment allows the Department of Health and Human Services to release the aggregate data related to the results of screening questionnaires and drug tests. This amendment was drafted in response to a public records exception review, by the Judiciary Committee, of Committee Amendment "A".

LD 1412 An Act To Fund a Training Partnership between Riverview Psychiatric Center and the University of Maine at Augusta CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EVES KATZ	OTP-AM	H-332

This bill provides a one-time General Fund appropriation of \$500,000 in fiscal years 2015-16 and 2016-17 for Riverview Psychiatric Center to contract with the University of Maine at Augusta to provide training and educational opportunities for its staff.

Committee Amendment "A" (H-332)

This amendment changes the appropriation in the bill for Riverview Psychiatric Center in both fiscal years from \$500,000 to \$250,000.

This bill was carried over on the Special Appropriations Table to any special or regular session of the 127th Legislature by joint order, S.P. 555.

LD 1426 An Act Regarding the Maine Registry of Certified Nursing Assistants and Direct Care Workers PUBLIC 196

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ESPLING	OTP-AM	H-342

This bill amends the Maine Registry of Certified Nursing Assistants and Direct Care Workers in the following ways.

1. It clarifies the circumstances under which a person employed as a direct care worker is listed on the registry.
2. It amends the requirements for listing certified nursing assistants and direct care workers.
3. It requires employers to verify that an individual listed on the registry is eligible for employment as a certified nursing assistant or direct care worker.
4. It consolidates information and aligns language used across programs based on federal and state laws related to background checks, disqualifying offenses, prohibited employment, criminal convictions and substantiated findings related to complaints of abuse, neglect or misappropriation of property.
5. It describes the process of identifying the disqualifying offenses that adversely affect an individual's eligibility for employment as a certified nursing assistant or direct care worker.
6. It establishes the department's authority to adopt eligibility for listing on the registry and other requirements by rule.

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7. It establishes statutory background check requirements and employment restrictions based on disqualifying offenses, including criminal convictions.
8. It replaces current ambiguous statutory language that bases employment bans on the length of the sentence that may be imposed with a requirement that the department adopt by rule a table of named crimes that form the rational basis for employment bans based on convictions.
9. It requires the department to adopt rules that list nondisqualifying criminal convictions that do not ban employment leaving hiring decisions to employer discretion.
10. It provides that disqualifying criminal convictions result in 10-year or 30-year employment bans and that the length of an employment ban may be shortened by filing a petition with the department to lift an employment ban prior to its expiration.
11. It consolidates complaint investigation requirements.

Committee Amendment "A" (H-342)

This amendment clarifies the definition of "direct care worker" in the bill in provisions relating to registration of personal care agencies and placement agencies as well as the Maine Registry of Certified Nursing Assistants and Direct Care Workers. It removes from the bill the section repealed relating to unlicensed assistive personnel. It allows for a training program to pay for or secure a background check.

Enacted Law Summary

Public Law 2015, chapter 196 amends the Maine Registry of Certified Nursing Assistants and Direct Care Workers in the following ways.

1. It clarifies the circumstances under which a person employed as a direct care worker is listed on the registry.
2. It amends the requirements for listing certified nursing assistants and direct care workers.
3. It requires employers to verify that an individual listed on the registry is eligible for employment as a certified nursing assistant or direct care worker.
4. It consolidates information and aligns language used across programs based on federal and state laws related to background checks, disqualifying offenses, prohibited employment, criminal convictions and substantiated findings related to complaints of abuse, neglect or misappropriation of property.
5. It describes the process of identifying the disqualifying offenses that adversely affect an individual's eligibility for employment as a certified nursing assistant or direct care worker.
6. It establishes the department's authority to adopt eligibility for listing on the registry and other requirements by rule.
7. It establishes statutory background check requirements and employment restrictions based on disqualifying offenses, including criminal convictions.
8. It replaces current ambiguous statutory language that bases employment bans on the length of the sentence that may be imposed with a requirement that the department adopt by rule a table of named crimes that form the rational basis for employment bans based on convictions.
9. It requires the department to adopt rules that list nondisqualifying criminal convictions that do not ban

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employment leaving hiring decisions to employer discretion.

10. It provides that disqualifying criminal convictions result in 10-year or 30-year employment bans and that the length of an employment ban may be shortened by filing a petition with the department to lift an employment ban prior to its expiration.

11. It consolidates complaint investigation requirements.

LD 1428 An Act To Establish the Forensic Treatment Fund To Establish a Behavioral Assessment and Safety Evaluation Unit

Died Between Houses

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

This bill establishes and appropriates funds to the Forensic Treatment Fund in the Department of Health and Human Services. It funds the establishment and operation by the Commissioner of Health and Human Services of a behavioral assessment and safety evaluation unit.

Committee Amendment "A" (H-334)

This amendment, which is the minority report, clarifies that the appropriation in fiscal year 2016-17 is for one month of a contract for establishing and operating a behavioral assessment and safety evaluation unit. The appropriation is for the final month of fiscal year 2016-17.

LD 1432 An Act To Consolidate the Investigation of Out-of-home Child Abuse and Neglect

PUBLIC 283

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANDERSON	OTP-AM	H-453

This bill does the following.

1. It clarifies the Department of Health and Human Services' investigation of out-of-home child abuse or neglect. It enacts new laws and integrates relevant provisions of existing child abuse and neglect laws into these new laws.
2. It consolidates and clarifies the role of the team that investigates out-of-home child abuse or neglect.
3. It eliminates duplication of department investigations of the same or related allegations of out-of-home child abuse or neglect.
4. It authorizes the investigation team to assist other departments that are charged with the responsibility to investigate out-of-home child abuse or neglect, including the Department of Education and Department of Corrections.
5. It clarifies the requirement that the investigation team's findings of abuse or neglect be supported by identified factors as set out in the team's written decision. Factors that support indicated and substantiated findings are established in rules adopted by the department.
6. It clarifies the right of a person to have a hearing on and to appeal an indicated or substantiated finding of