

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.

Joint Standing Committee on Health and Human Services

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

Sponsor(s)

MARTIN J

Committee Report

ONTP
OTP-AM

Amendments Adopted

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

Sponsor(s)

SANDERSON

Committee Report

OTP-AM

Amendments Adopted

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

Joint Standing Committee on Health and Human Services

out-of-home child abuse or neglect.

7. It requires the investigation team to provide notification of a report of abuse or neglect to the parent, guardian or custodian of a child who is the alleged victim and information regarding the conclusions reached upon closure of the investigation.

8. It authorizes the investigation team to notify the parents, guardians or custodians of children who attend a licensed children's facility or program when there is a report that alleges the occurrence of abuse or neglect in the licensed children's facility or program upon conclusion of the investigation whether the investigation team determined that a violation of law or rules has occurred.

Committee Amendment "A" (H-453)

This amendment allows the Department of Health and Human Services' investigation team to notify a child's parent, guardian or custodian that the child has been allegedly abused or neglected, rather than requiring the notification, to reflect that there are situations when the parent, guardian or custodian should not be notified. It also clarifies that the department, rather than the investigation team, may publish information on the department's publicly accessible website regarding an investigation, but only upon the conclusion of the investigation.

Enacted Law Summary

Public Law 2015, chapter 283 updates the Department of Health and Human Services' investigation of out-of-home child abuse or neglect. It consolidates and clarifies the role of the team that investigates out-of-home child abuse or neglect and 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. It allows the department's investigation team to notify a child's parent, guardian or custodian that the child has been allegedly abused or neglected. The department may publish information on the department's publicly accessible website regarding an investigation but only upon the conclusion of the investigation.

LD 1439 An Act To Establish a Secure Internet-based Background Check Center for Providers of Long-term Care, Child Care and In-home and Community-based Services

PUBLIC 299

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS	OTP-AM	S-274

This bill establishes an interagency comprehensive background check program to protect Maine citizens vulnerable to abuse, neglect or exploitation by individuals in positions of trust who are charged with the physical and financial care of these individuals. Providers are required to perform background checks prior to hiring new direct care workers as well as current on direct access personnel. The bill creates the Background Check Center, which allows direct access care providers to secure background information from abuse and neglect databases, sex offender registries, the registry of certified nursing assistants and direct care workers, professional licensing authorities, Medicare and Medicaid exclusion databases and criminal history record repositories. The bill enables the Background Check Center to provide a report that identifies offenses that disqualify an individual from employment as a direct access worker. It also authorizes a system of continued criminal record monitoring through a rap back program to ensure that employers are informed of any new disqualifying criminal offense that may occur after a direct access worker's initial background check. It provides for a conditional employment process that allows direct access workers to correct inaccurate background check report records and procedures to gradually implement background checks for current employees. The bill outlines compliance requirements including penalties and the impact of violations on provider licensing for noncompliance with the requirements. It amends existing background check and prohibited employment laws to use consistent language across all areas affected by the laws.

Committee Amendment "A" (S-274)