

# 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***

human services matters detailing the stakeholder group's findings and any recommendations for legislation regarding changes to the State's laws to enable and support criminal prosecution of crimes against the elderly and persons with disabilities and the committee may report out legislation relating to the report.

**LD 1621      Resolve, Directing the Department of Health and Human Services To Amend Its Rules Governing Reimbursement to Hospitals for Patients Awaiting Placement in Nursing Facilities      Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-433

This resolve was reported by the committee pursuant to joint order, S.P. 639 and then referred back to the committee for processing in the normal course.

This resolve, which is a recommendation of the Commission To Study Difficult-to-place Patients, directs the Department of Health and Human Services to amend the rules under Chapter 101: MaineCare Benefits Manual, Chapter III, Section 45, Hospital Services to provide reimbursement to hospitals other than critical access hospitals for each day that a MaineCare-eligible individual is in the care of a hospital other than a critical access hospital while awaiting placement in a nursing facility. The reimbursement is to be paid prospectively at the statewide average rate per member day for nursing facility services. The department is directed to implement this reimbursement for days awaiting placement for a period of no more than five years and is limited to a maximum of \$500,000 of combined General Fund and federal funds for the entire five-year period.

**Committee Amendment "A" (S-433)**

This amendment specifies that the reimbursement in the resolve for days awaiting placement does not begin until the 11th day that a MaineCare-eligible individual is in the care of a hospital while awaiting placement in a nursing facility. It also changes the maximum amount of funding to \$500,000 in combined funding for each year. It adds an appropriations and allocations section.

**LD 1631      An Act To Reduce the Liability of Maine Taxpayers by Aligning Maine's Welfare Programs with Federal Law      Died Between Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE K MASON G	OTP-AM OTP-AM	

This bill makes changes to the laws governing the Temporary Assistance for Needy Families, or TANF, program. It removes all the good cause exceptions that prevent a person from being sanctioned under the Additional Support for People in Retraining and Employment - Temporary Assistance for Needy Families, or ASPIRE-TANF, program or the TANF program for failure to participate in the ASPIRE-TANF program, with the exception of domestic violence. It removes the 24-month limit on education training and treatment for participants in the ASPIRE-TANF program in order to eliminate the difference between Maine and federal law regarding the number of months of education and training that may qualify as countable work activities and specifies that accommodations for an individual with a disability are limited to those required by federal law. The bill amends the Parents as Scholars Program to specify that an enrollee in the program must meet federal work participation requirements. The bill establishes the Fund for the Payment of Federal Fines Imposed for Noncompliance with Federal Work Participation Requirements in the Department of Health and Human Services to pay fines imposed on the State by the Federal Government due to the State's failure to comply with federal requirements related to the ASPIRE-TANF program. The bill provides an appropriation in fiscal year 2016-17 and requires the Commissioner of Health and Human

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

Services to report annually regarding the fines owed by the State for noncompliance to the joint standing committee of the Legislature having jurisdiction over health and human services matters, which is required to report out a bill, within 30 days of the commissioner's report, appropriating the amount necessary to pay the fines.

### **Committee Amendment "A" (H-651)**

This amendment, which is the majority report of the committee, replaces the bill with a resolve establishing the Commission on Child Poverty and Extreme Child Poverty. The commission has 13 members appointed by the President of the Senate and the Speaker of the House of Representatives. The commission must invite the director of the Office of Family Independence within the Department of Health and Human Services or the director's designee and the Director of the Office of Child and Family Services within the Department of Health and Human Services or the director's designee to participate. The commission must study the scope and magnitude of child poverty and extreme child poverty in the State, the roots of poverty and reasons for any recent increases in poverty and recommend policy solutions to improve the situation of children in poverty and extreme poverty in this State. The commission must submit a report to the Legislature no later than November 2, 2016. The amendment also establishes a moratorium on actions to contract for the administration of the ASPIRE-TANF program until 90 days after the adjournment of the First Regular Session of the 128th Legislature in order to allow the commission to examine and recommend effective methods of administering the ASPIRE-TANF program and the Legislature to review and act on those recommendations before changes to administration of the program are made.

This amendment was not adopted.

### **Committee Amendment "B" (H-652)**

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

This amendment was not adopted.

### **LD 1638 An Act To Increase Payments to MaineCare Providers That Are Subject to Maine's Service Provider Tax**

**PUBLIC 477  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY R BRAKEY E	OTP-AM	H-623 S-521 HAMPER J

This bill provides for an increase in reimbursement rates to eligible MaineCare providers who are subject to the service provider tax.

### **Committee Amendment "A" (H-623)**

This amendment strikes the bill and instead provides an appropriations and allocations section that adds funding for an increase in reimbursement rates to eligible MaineCare providers for the last three months of fiscal year 2015-16 and for fiscal year 2016-17. The purpose of the additional funding is to offset the increase in the service provider tax that took effect January 1, 2016. This amendment also adds an emergency preamble and emergency clause.

### **Senate Amendment "A" To Committee Amendment "A" (S-521)**

This amendment reduces the General Fund appropriation in Committee Amendment "A" by using increased funding available in the Federal Medical Assistance Percentage.

### **Enacted Law Summary**

Public Law 2015, chapter 477 provides funding for an increase in reimbursement rates to eligible MaineCare providers for the last three months of fiscal year 2015-16 and for fiscal year 2016-17 to offset the increase in the service provider tax that took effect January 1, 2016.