

MAINE STATE LEGISLATURE

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STATE OF MAINE
127TH 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

127TH LEGISLATURE

SECOND REGULAR SESSION



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 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.

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 127th 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

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.

Joint Standing Committee on Health and Human Services

Public Law 2015, chapter 477 was enacted as an emergency measure effective April 15, 2016.

LD 1644 Resolve, Establishing the Commission To Study Ways To Support and Strengthen the Direct Care Workforce across the Long-term Care Continuum **Died On Adjournment**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|-----------------------------|
| EVES M BURNS D | OTP-AM ONTP | H-606 S-455 HASKELL A |

This resolve establishes the Commission To Study Ways To Support and Strengthen the Direct Care Workforce across the Long-term Care Continuum. The commission is required to study current challenges to recruiting and retaining direct care workers and recommend ways to support and strengthen that workforce across the long-term care continuum. The commission's duties include reviewing related studies, legislation and Department of Health and Human Services' initiatives; determining current demand for direct care workers across long-term care settings; identifying career pathways for direct care workers within and across long-term care settings; developing worker incentive programs; and developing strategies to create high-quality work environments. The commission must submit its report, including suggested legislation, to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than December 2, 2016. The committee may report out legislation to the First Regular Session of the 128th Legislature.

Committee Amendment "A" (H-606)

This amendment, which is the majority report of the committee, makes the following changes to the Commission To Study Ways To Support and Strengthen the Direct Care Workforce across the Long-term Care Continuum.

1. It adds three members, including a representative of a labor intermediary, a representative of an organization providing services to individuals with intellectual disabilities and autism and a representative of an organization promoting independent living for individuals with disabilities.
2. It clarifies that the Commissioner of Health and Human Services and the Commissioner of Labor may be invited to participate.
3. It adds to the duties of the commission an examination of technological advances to help individuals living in their homes remain independent and an examination of the barriers to employment as direct care workers for populations who may lack credentials, transportation or English proficiency or other relevant factors.
4. It changes the date for the commission's report from December 2, 2016 to November 2, 2016.

Senate Amendment "A" (S-455)

This amendment removes the emergency preamble and emergency clause from the resolve.

LD 1646 An Act To Prevent Opiate Abuse by Strengthening the Controlled Substances Prescription Monitoring Program **PUBLIC 488**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-----------------------|-------------------------|---------------------------|
| CUSHING A MCCABE J | OTP-AM OTP-AM | S-531 |