

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON HEALTH AND
HUMAN SERVICES**

October 2018

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STATE OF MAINE

128TH LEGISLATURE

FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contain summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Special, Second Regular and Second Special Sessions of the 128th 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 FINAL 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 dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128th Legislature are: Monday, February 5, 2018; Wednesday, August 1, 2018; and Thursday, December 13, 2018, respectively. 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

Senate Amendment "A" To Committee Amendment "A" (S-429)

This amendment removes the \$500 penalty imposed on a school that fails to comply with lead testing requirements.

Senate Amendment "B" To Committee Amendment "A" (S-492)

This amendment removes the mandate preamble. It requires the Department of Education to provide grants for water testing required by Committee Amendment "A" to the extent funds are available. It also makes water testing by a school contingent on receipt of a grant. It also makes a technical correction to reflect the enactment of Public Law 2017, chapter 389, section 1.

LD 59 An Act To Provide Funding for a Therapeutic Adult Day Service Center Died On Adjournment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HIGGINS N DAVIS P	ONTP OTP-AM	H-168

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill provides one-time funding for start-up costs for the Maine Highlands Senior Center in Dover-Foxcroft to provide therapeutic adult day care.

Committee Amendment "A" (H-168)

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

LD 106 An Act To Provide MaineCare Coverage for Dental Services to Adults with Intellectual Disabilities or Autism Spectrum Disorder Died On Adjournment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TEPLER D CHIPMAN B	OTP-AM ONTP	H-245

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill directs the Department of Health and Human Services to extend MaineCare dental services to a person 21 years of age or older who receives services under Chapter 101, MaineCare Benefits Manual, Chapter II, Section 21 or 29. Dental services provided to such a person must be the same as those provided under the MaineCare program to an eligible person under 21 years of age.

Committee Amendment "A" (H-245)

This amendment, which is the majority report of the committee, clarifies the application of the bill, which requires reimbursement under the MaineCare program for dental services to an adult with an intellectual disability or autism spectrum disorder, by:

Joint Standing Committee on Health and Human Services

- 1. More clearly defining the requirement that the persons be eligible under the so-called Sections 21 and 29 waivers, without referring to departmental rule citations that may change over time; and
- 2. Providing that reimbursement is in addition to any home and community-based support benefits provided to a person and may not be included in any cap or other limitation on the home and community-based support benefits that the person may receive.

The amendment also adds an appropriations and allocations section.

LD 166 An Act To Increase Reimbursement for Child Care Services

PUBLIC 412

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N HANDY J	OTP-AM ONTP	S-407

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session.

This bill repeals unallocated language in Public Law 2011, chapter 380, Part UU that set the child care subsidy payment rates of the Department of Health and Human Services at the 50th percentile of local market rates. This bill increases the payment rates to the 75th percentile of local market rates for payments the department makes on behalf of recipients of benefits under the child care subsidy program, recipients of benefits under TANF and recipients of benefits under ASPIRE-TANF.

Committee Amendment "A" (S-407)

This amendment is the majority report of the committee. This amendment requires that any additional federal funding received in a child care and development block grant due to the passage of the federal Bipartisan Budget Act of 2018, PL 115-123, and any subsequent funding legislation, must be applied to increasing reimbursement rates to child care centers up to the 75th percentile of local market rates for child care services. Payment rates for children with special needs may be higher. Family child care providers are already being reimbursed at the 75th percentile. This amendment increases rates to child care centers, according to the amount of increased discretionary funding received, up to the 75th percentile.

Enacted Law Summary

Public Law 2017, chapter 412 requires that any additional federal funding received in a child care and development block grant due to the passage of the federal Bipartisan Budget Act of 2018, PL 115-123, and any subsequent funding legislation, must be applied to increasing reimbursement rates to child care centers up to the 75th percentile of local market rates for child care services. Payment rates for children with special needs may be higher. Family child care providers are already being reimbursed at the 75th percentile. Public Law 2017, chapter 412 increases rates to child care centers, according to the amount of increased discretionary funding received, up to the 75th percentile.

LD 186 An Act To Improve Peer Support Services

Leave to Withdraw Pursuant to Joint Rule

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE D		