

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

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to improve peer support services provided to consumers of mental health services who are clients of the Department of Health and Human Services.

LD 230 An Act To Increase Access to Head Start

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R MCELWEE C	OTP-AM OTP-AM ONTP	S-66

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 funding for the delivery of Head Start services.

Committee Amendment "B" (S-67)

This amendment is the minority report of the committee. The amendment changes the funding from the General Fund to the Federal Block Grant Fund, with the funds to be delivered through the Temporary Assistance for Needy Families program.

Committee Amendment "A" (S-66)

This amendment is the majority report of the committee. It incorporates a fiscal note.

The substance of this amendment was incorporated in Public Law 2017, chapter 284.

LD 238 An Act To Amend the Maine Medical Use of Marijuana Act

**PUBLIC 447
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRAKEY E	OTP-AM	S-443

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to amend the Maine Medical Use of Marijuana Act.

Committee Amendment "A" (S-443)

This amendment replaces the bill, which is a concept draft. The amendment:

Joint Standing Committee on Health and Human Services

1. Allows a facility that tests medical marijuana samples for the cannabinoid profile, potency and contaminants to operate in the absence of rules adopted by the Department of Health and Human Services if the facility has obtained documentation of the facility's accreditation pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a third-party accrediting body;
2. Clarifies that qualifying patients, primary caregivers and registered dispensaries may manufacture marijuana products from harvested marijuana, including production of marijuana concentrate, by processes of marijuana extraction that do not involve certain inherently hazardous substances;
3. Establishes a process for persons or entities that are not qualifying patients, primary caregivers or registered dispensaries to manufacture marijuana products from harvested marijuana, including marijuana concentrate, by processes of marijuana extraction that do not involve certain inherently hazardous substances, to become registered to manufacture marijuana products;
4. Establishes a method for qualifying patients, primary caregivers and registered dispensaries to become authorized by law to produce marijuana concentrate by processes involving inherently hazardous substances if certain safety and compliance standards are met;
5. Establishes a process for persons or entities that are not qualifying patients, registered caregivers or registered dispensaries to become authorized to produce marijuana concentrate by processes involving inherently hazardous substances; and
6. Repeals specific provisions of law regarding municipal authority to establish a moratorium on registered primary caregivers near schools and municipal authority to regulate dispensaries. The amendment instead enacts a new provision of law that allows municipalities to regulate registered primary caregivers, registered dispensaries, marijuana testing facilities and marijuana manufacturing facilities, except that municipalities are not allowed to prohibit or limit the number of registered primary caregivers.

Enacted Law Summary

Public Law 2017, chapter 447:

1. Allows a facility that tests medical marijuana samples for the cannabinoid profile, potency and contaminants to operate in the absence of rules adopted by the Department of Health and Human Services if the facility has obtained documentation of the facility's accreditation pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a third-party accrediting body;
2. Clarifies that qualifying patients, primary caregivers and registered dispensaries may manufacture marijuana products from harvested marijuana, including production of marijuana concentrate, by processes of marijuana extraction that do not involve certain inherently hazardous substances;
3. Establishes a process for persons or entities that are not qualifying patients, primary caregivers or registered dispensaries to manufacture marijuana products from harvested marijuana, including marijuana concentrate, by processes of marijuana extraction that do not involve certain inherently hazardous substances, to become registered to manufacture marijuana products;
4. Establishes a method for qualifying patients, primary caregivers and registered dispensaries to become authorized by law to produce marijuana concentrate by processes involving inherently hazardous substances if certain safety and compliance standards are met;
5. Establishes a process for persons or entities that are not qualifying patients, registered caregivers or registered dispensaries to become authorized to produce marijuana concentrate by processes involving inherently hazardous substances; and

Joint Standing Committee on Health and Human Services

6. Repeals specific provisions of law regarding municipal authority to establish a moratorium on registered primary caregivers near schools and municipal authority to regulate dispensaries. The amendment instead enacts a new provision of law that allows municipalities to regulate registered primary caregivers, registered dispensaries, marijuana testing facilities and marijuana manufacturing facilities, except that municipalities are not allowed to prohibit or limit the number of registered primary caregivers.

Public Law 2017, chapter 447 was enacted as an emergency measure effective July 9, 2018.

LD 267 *Resolve, To Increase Certain Chiropractic Reimbursement Rates under the MaineCare Program* **Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J SAVIELLO T	OTP-AM	H-21

This resolve 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 resolve directs the Department of Health and Human Services to amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 15 to increase reimbursement rates for chiropractic services for manipulative treatments under procedure codes 98940, 98941 and 98942 to no less than \$30 per treatment. The rules are routine technical rules and must be amended no later than January 1, 2018.

Committee Amendment "A" (H-21)

This amendment replaces the resolve. It requires the Department of Health and Human Services, by January 1, 2018, to amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 15 to increase reimbursement rates for chiropractic services for manipulative treatments under procedure codes 98940, 98941 and 98942 to no less than 70% of the federal Medicare reimbursement rate for these services as long as the rate is no lower than the rate reimbursed as of January 1, 2017. If the department conducts a rate study of chiropractic services for manipulative treatments, the department may adopt new rates. The rules adopted are routine technical rules. The amendment adds an appropriations and allocations section.

LD 270 *An Act To Support Kinship Families by Creating a Kinship Care Navigator Program* **Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PICCHIOTTI J	OTP-AM	H-673

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

This bill requires the Commissioner of Health and Human Services to appoint one person to administer all issues related to the placement of a child with a relative.

Committee Amendment "A" (H-673)