

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
128<sup>TH</sup> 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

**STAFF:**

ANNA BROOME, LEGISLATIVE ANALYST  
ERIN LUNDBERG, LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670  
AND  
LUKE LAZURE, LEGISLATIVE ANALYST  
OFFICE OF FISCAL AND PROGRAM REVIEW  
5 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1635  
<http://legislature.maine.gov/opla/>

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# STATE OF MAINE

128<sup>TH</sup> 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 128<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 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 128<sup>th</sup> 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 amendment establishes a kinship care navigator program to be contracted by the Department of Health and Human Services to provide educational information, referrals and support to persons providing kinship care to children. It provides that funding will be drawn from federal funds, if available, and through the General Fund.

**LD 272      An Act Requiring Meningococcal Meningitis Vaccinations for Teenagers      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HYMANSON P	ONTP	

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

This bill requires the Department of Health and Human Services and the Department of Education to adopt rules requiring that students 11 years of age or older and under 20 years of age receive meningococcal meningitis immunizations.

The substance of this bill was incorporated in LD 1664.

**LD 274      An Act To Implement the Recommendations of the Working Group To Study Background Checks for Child Care Facilities and Providers      PUBLIC 457**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J HILL D	OTP-AM	H-686 S-526    HAMPER J

This bill was reported out of committee and then recommitted to the committee in the First Regular Session. It was then carried over to the Second Regular Session. The bill was reported out of committee in the Second Regular Session and then carried over on the Special Appropriations Table to the next special session by joint order S.P. 748.

This bill implements the recommendations of the Working Group To Study Background Checks for Child Care Facilities and Providers. The bill clarifies requirements for criminal background checks for child care providers and child care staff members.

**Committee Amendment "B" (H-534)**

This amendment is one of two minority reports of the committee during the First Regular Session. It provides that an individual who is not supervised by a child care staff member of a family child care provider or child care facility who has passed the required criminal background check under the Maine Revised Statutes, Title 22, sections 8302-A and 8302-B and who has access to children who are cared for or supervised by a child care facility or family child care provider is required to pass a criminal background check pursuant to 42 United States Code, Section 9858f(b). It also provides that a person who provides day care in that person's home for one or two children whose care is paid for by state or federal funds is required to pass a criminal background check pursuant to 42 United States Code, Section 9858f(b). It provides that the cost of the required criminal background checks under Title 22, sections 8302-A and 8302-B be paid for by the Department of Health and Human Services from the federal Child Care and Development Block Grant Act of 1990, as amended by the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105. It grants the Department of Health and Human Services the authority to request state and national criminal history information, including fingerprint-based criminal history information, for certain child care providers and staff members. It establishes a temporary waiver process when the background check requirement presents a hardship for the child care provider. The rules adopted by the department must minimize the impact of the temporary waiver on the safety of the children receiving child care services. This amendment adds an appropriations and allocations section.

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

### **Committee Amendment "A" (H-533)**

This amendment is the majority report of the committee during the First Regular Session. It provides that an individual who is not supervised by a child care staff member of a family child care provider or child care facility who has passed the required criminal background check under the Maine Revised Statutes, Title 22, sections 8302-A and 8302-B and who has access to children who are cared for or supervised by a child care facility or family child care provider is required to pass a criminal background check pursuant to 42 United States Code, Section 9858f(b). It also provides that a person who provides day care in that person's home for one or two children whose care is paid for by state or federal funds is required to pass a criminal background check pursuant to 42 United States Code, Section 9858f(b). It provides that the cost of the required criminal background checks under Title 22, sections 8302-A and 8302-B be paid for by the Department of Health and Human Services from the federal Child Care and Development Block Grant Act of 1990, as amended by the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105. It grants the Department of Health and Human Services the authority to request state and national criminal history information, including fingerprint-based criminal history information, for certain child care providers and staff members. This amendment also adds an appropriations and allocations section.

### **Committee Amendment "C" (H-535)**

This amendment is one of two minority reports of the committee during the First Regular Session. It removes the requirement that a family child care provider, the staff of a family child care provider or child care facility or other adult who has unsupervised access to children who are cared for or supervised by the family child care provider or child care facility undergo a criminal background check that meets the requirements of 42 United States Code, Section 9858f(b). This amendment adds an appropriations and allocations section.

The second minority report of the committee in the First Regular Session was ought not to pass.

### **Committee Amendment "D" (H-686)**

This amendment is the unanimous report of the committee during the Second Regular Session. It strikes and replaces the bill. It excludes from the criminal background check requirement in the bill a contractor performing maintenance and repair at a child care facility or at the home of a child care provider who does not have unsupervised access to children. It provides that the cost of the required criminal background checks for child care staff members under the Maine Revised Statutes, Title 22, sections 8302-A and 8302-B be paid for by the Department of Health and Human Services from the funds available under the federal Child Care and Development Block Grant Act of 1990, as amended by the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105. It grants the Department of Health and Human Services the authority to request state and national criminal history records, including fingerprint-based criminal history records, for certain child care providers and staff members. The amendment corrects lettering and numbering problems created by Public Law 2017, chapters 204, 253 and 258. The amendment also adds an appropriations and allocations section.

### **Senate Amendment "A" To Committee Amendment "D" (S-526)**

This amendment directs the Department of Health and Human Services to reimburse both for the background check fees and the cost of administrating and processing the checks through a transfer of payment by the department to the Department of Public Safety from the federal Child Care and Development Block Grant Act of 1990, as amended by the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105. A transfer must be made pursuant to a schedule agreed upon by the Department of Health and Human Services and the Department of Public Safety, in consultation with the State Controller, and based on documentation of fees and processing and administration costs incurred. The amendment also corrects lettering problems created by Public Law 2017, chapters 204, 253 and 258, which enacted three substantively different provisions with the same paragraph letter, and makes technical changes.

### **Enacted Law Summary**

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

Public Law 2017, chapter 457 requires child care providers and child care staff members to undergo a criminal background check that meets the requirements of 42 United States Code, Section 9858f(b). It excludes a contractor performing maintenance and repair at a child care facility or at the home of a child care provider who does not have unsupervised access to children from the definition of "child care staff member" and the criminal background check requirement. It requires that the cost of the required criminal background checks for child care staff members be paid for by the Department of Health and Human Services from the funds available under the federal Child Care and Development Block Grant Act of 1990, as amended by the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105. It grants the Department of Health and Human Services the authority to request state and national criminal history records, including fingerprint-based criminal history records, for certain child care providers and staff members.

### **LD 320      An Act To Provide MaineCare Coverage for Chiropractic Treatment**

**PUBLIC 421**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N MARTIN J	OTP-AM ONTP	S-199 S-507    HAMPER J

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 requires all chiropractic services that are approved by the Board of Chiropractic Licensure and performed by a chiropractic doctor to be reimbursed under the MaineCare program. The Department of Health and Human Services may adopt routine technical rules to implement this requirement.

#### **Committee Amendment "A" (S-199)**

This amendment, which is the majority report of the committee, modifies the bill to limit the bill's required reimbursement for chiropractic services under the MaineCare program to chiropractic evaluation and management examinations. The amendment also adds an appropriations and allocations section.

#### **Senate Amendment "A" To Committee Amendment "A" (S-507)**

This amendment removes the amounts appropriated and allocated in fiscal year 2017-18 and revises the amounts appropriated and allocated in fiscal year 2018-19. It also makes a technical change to a section number.

#### **Enacted Law Summary**

Public Law 2017, chapter 421 requires reimbursement under the MaineCare program for chiropractic evaluation and management examinations carried out by licensed chiropractors.

### **LD 323      An Act To Fully Fund the Waiting List for the Home and Community Benefits for Members with Intellectual Disabilities or Autistic Disorder Waiver**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY R LANGLEY B	OTP-AM	H-257

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.