

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

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.

Joint Standing Committee on Health and Human Services

This bill provides to the Department of Health and Human Services the funding to fully fund the waiting list for community-based services provided under the MaineCare Benefits Manual, Chapters II and III, Section 21 relating to home and community benefits for members with intellectual disabilities or autistic disorder.

Committee Amendment "A" (H-257)

This amendment updates the funding in the bill to reflect new estimates.

Public Law 2017, chapter 460 added funding for 300 eligible members on the waitlist.

LD 383 Resolve, Directing the Department of Health and Human Services To Develop a Plan To Strengthen the Quality and Supply of Child Care Services

RESOLVE 50

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R HAMANN S	OTP-AM	S-408

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 increase access to child care.

Committee Amendment "A" (S-408)

This amendment replaces the bill with a resolve that requires the Department of Health and Human Services to develop a plan for increasing the supply of child care providers participating in steps 3 and 4 of the child care quality rating system established pursuant to the Maine Revised Statutes, Title 22, section 3737, subsection 3. The department is required to include stakeholders in the process of developing the plan, including those involved in the Quality for ME Revision Project. The plan must include determining whether sufficient funding in the federal child care and development fund block grant exists. It must examine federal and state statutory and regulatory frameworks to determine what is allowable, factors that present barriers and if the state child care and development fund plan must be amended. The plan must take into consideration reimbursement differentials, grant programs, contracts, professional development, child care and educational training programs and increased infant and toddler care to increase the supply of child care providers participating in steps 3 and 4. The plan must take into account geographic differences in access to quality child care in the State. The department must develop definitions of "disabilities" and "special needs" for infants and toddlers to be used in quality standards. The department is required to provide data on the numbers of children in need of care and child care providers by type, step on the child care quality rating system, geography, numbers served and capacity and any other relevant data. The department is required to submit its report to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than January 30, 2019. The committee may report out legislation to the First Regular Session of the 129th Legislature.

Enacted Law Summary

Resolve 2017, chapter 50 requires the Department of Health and Human Services to develop a plan for increasing the supply of child care providers participating in steps 3 and 4 of the child care quality rating system established pursuant to the Maine Revised Statutes, Title 22, section 3737, subsection 3. The department is required to include stakeholders in the process of developing the plan, including those involved in the Quality for ME Revision Project. The plan must include determining whether sufficient funding in the federal child care and development fund block grant exists. It must examine federal and state statutory and regulatory frameworks to determine what is allowable, factors that present barriers and if the state child care and development fund plan must be amended. The plan must