

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION



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

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

August 2017

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128TH LEGISLATURE
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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 First Regular Session 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 date for non-emergency legislation enacted in the First Regular Session of the 128th Legislature is Wednesday, November 1, 2017. 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

LD 761 An Act To Increase Access to Hearing Aids

PUBLIC 237

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E KATZ R	OTP-AM	H-403

This bill requires the Department of Health and Human Services to pay for hearing aids under the MaineCare program.

Committee Amendment "A" (H-403)

This amendment makes changes to the bill to match current practice in the rules of the Department of Health and Human Services. It specifies that one hearing aid is reimbursable under the MaineCare program and that a second hearing aid is reimbursable if an individual meets the department's requirements established by rule. It removes the exclusion of batteries and cords and other assistive listening devices from coverage. It replaces the term "physician" with the term "primary care provider."

Enacted Law Summary

Public Law 2017, chapter 237 establishes in statute the requirements for reimbursement for hearing aids under the MaineCare program that existed previously only in rule. The Department of Health and Human Services shall reimburse under MaineCare for one hearing aid for an adult and for a second hearing aid if the individual meets the department's additional requirements established by rule.

LD 762 An Act To Allow a Percentage of Funds from the Medical Use of Marijuana Fund To Fund Health Care Research

CARRIED OVER

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

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

This bill proposes to dedicate a percentage of the funds derived from the Medical Use of Marijuana Fund established in the Maine Revised Statutes, Title 22, section 2430 to a medical marijuana research fund. Under the bill, hospitals and other health care facilities may apply for grants to fund research proposals to study the medical efficacy of medical marijuana.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 763 An Act To Support Individuals with Disabilities by Exempting Certain Wages from Consideration for MaineCare

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NADEAU C BREEN C		

This bill exempts income received by a person with a disability from certain work programs available to individuals with disabilities from being considered in determining the person's eligibility for MaineCare.

Joint Standing Committee on Health and Human Services

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 764 An Act To Limit the Exclusion of a Patient from Eligibility for an Organ Transplant Based on Medical Marijuana Use PUBLIC 252

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANDERSON D BRAKEY E	OTP-AM ONTP	H-328 H-427 HYMANSON P

This bill prohibits the medical use of marijuana from being the sole disqualifying factor in determining a person's suitability for receiving an anatomical gift.

Committee Amendment "A" (H-328)

This amendment is the majority report of the committee. It prohibits a transplant evaluator from determining a qualifying patient to be unsuitable to receive an anatomical gift because the qualifying patient uses medical marijuana. It directs a transplant evaluator to treat a qualifying patient's use of medical marijuana like any other medication a patient may be taking. It provides that a transplant evaluator may determine a qualifying patient to be unsuitable to receive an anatomical gift if the qualifying patient does not limit the type of medical marijuana used and may require the qualifying patient's medical marijuana to be tested for fungal contamination at a marijuana testing facility.

House Amendment "A" To Committee Amendment "A" (H-427)

This amendment removes from Committee Amendment "A" the provision that prohibits a transplant evaluator from determining a qualifying patient to be unsuitable to receive an anatomical gift solely because the qualifying patient uses medical marijuana.

Enacted Law Summary

Public Law 2017, chapter 252 directs a transplant evaluator to treat a qualifying patient's use of medical marijuana like any other medication a patient may be taking. It provides that a transplant evaluator may determine a qualifying patient to be unsuitable to receive an anatomical gift if the qualifying patient does not limit the type of medical marijuana used and may require the qualifying patient's medical marijuana to be tested for fungal contamination at a marijuana testing facility.

LD 765 An Act To Allow In-home Child Care Providers To Care for up to 5 Children without State Certification CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ESPLING E BRAKEY E		

This bill changes the threshold requiring certification as a family child care provider from caring for three children to caring for six children. Under current law, a person who provides day care in that person's home must be certified as a family child care provider if that person provides care for three to twelve children who are not the person's own children or who are not residing in the person's home.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.