

# 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 APPROPRIATIONS AND  
FINANCIAL AFFAIRS**

October 2018

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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 Appropriations and Financial Affairs*

**LD 924**

**An Act Making Certain Supplemental Appropriations and Allocations and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government**

**PUBLIC 459  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE D	OTP-AM	H-790 S-529 HAMPER J

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session by joint order H.P. 1138. This bill was again carried over, still in committee, from the Second Regular Session of the 128th Legislature to the next special session of the 128th Legislature by joint order S.P. 748.

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

This emergency bill proposes to adjust certain appropriations and allocations from the General Fund and other funds for the expenditures of State Government related to position changes and to change certain provisions of the law necessary to the proper operations of State Government for the fiscal year ending June 30, 2017.

**Committee Amendment "A" (H-790)**

This amendment replaces the bill.

Part A requires the Department of Health and Human Services to increase the reimbursement rates for services provided for home-based and community-based care for individuals with intellectual disabilities or autism and provides funding to the department due to the change in the rates. Federal Expenditures Fund allocations are also included for the federal medical assistance percentage match and Other Special Revenue Funds allocations for the service provider tax.

Part B requires the Department of Health and Human Services to amend its rules for reimbursement rates for certain home and community based services for the elderly and adults with physical disabilities and provides a General Fund appropriation and Other Special Revenue and Federal Fund allocation to fund an increase in those rates effective July 1, 2018.

Part C repeals the provision of law requiring the State Controller to make a one-time transfer of \$12,202,104 in fiscal year 2018-19 from the General Fund to the Reserve for County Jail Operations program Other Special Revenue account and replaces the Other Special Revenue allocation with a General Fund appropriation to the County Jails Operation Fund program beginning in fiscal year 2018-19.

**Senate Amendment "A" To Committee Amendment "A" (S-529)**

This amendment:

1. Removes requirements regarding assessment of individual need and resource application from the reimbursement methodology;
2. Requires that the Department of Health and Human Services perform a substantive review of rates for services provided to adults with intellectual disability or autism under MaineCare at least every two years;
3. Removes the requirement that rates be sufficient to ensure that an adequate number of providers are available to provide access to services; and
4. Adds two procedure codes to the list of procedure codes for which the department must amend its rules to

*Joint Standing Committee on Appropriations and Financial Affairs*

increase reimbursement rates.

**Enacted Law Summary**

Public Law 2017, chapter 459 does the following.

Part A requires the Department of Health and Human Services to increase the reimbursement rates for services provided for home-based and community-based care for individuals with intellectual disabilities or autism and provides funding to the department due to the change in the rates. Federal Expenditures Fund allocations are also included for the federal medical assistance percentage match and Other Special Revenue Funds allocations for the service provider tax. Similar provisions are contained in LD 967 as amended by the Joint Standing Committee on Health and Human Services.

Part B requires the Department of Health and Human Services to amend its rules for reimbursement rates for certain home and community based services for the elderly and adults with physical disabilities and provides a General Fund appropriation and Other Special Revenue and Federal Fund allocation to fund an increase in those rates effective July 1, 2018. Similar provisions are contained in LD 643 as amended by the Joint Standing Committee on Health and Human Services.

Part C repeals the provision of law requiring the State Controller to make a one-time transfer of \$12,202,104 in fiscal year 2018-19 from the General Fund to the Reserve for County Jail Operations program Other Special Revenue account and replaces the Other Special Revenue allocation with a General Fund appropriation to the County Jails Operation Fund program beginning in fiscal year 2018-19.

Public Law 2017, chapter 459 was enacted as an emergency measure effective July 9, 2018.

**LD 925      An Act Making Certain Appropriations and Allocations and Changing  
Certain Provisions of the Law Necessary to the Proper Operations of  
State Government**

**PUBLIC 460  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE D	OTP-AM	H-791

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session by joint order H.P. 1138. This bill was again carried over, still in committee, from the Second Regular Session of the 128th Legislature to the next special session of the 128th Legislature by joint order S.P. 748.

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

This emergency bill proposes to make unified appropriations and allocations for the expenditures of State Government, General Fund and other funds and to change certain provisions of the law necessary to the proper operations of State Government for the fiscal years ending June 30, 2018 and June 30, 2019.

**Committee Amendment "A" (H-791)**

This amendment replaces the bill.

Part A provides funding to the Department of Health and Human Services to add 50 members a month, beginning October 1, 2018, from the waiting list for community-based services provided under rule Chapter 101: MaineCare Benefits Manual, Chapters II and III, Section 21 relating to home and community benefits for members with intellectual disabilities or autism spectrum disorder until 300 new members in total have been added.