

# 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*

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.

## *Joint Standing Committee on Appropriations and Financial Affairs*

Part B does the following:

1. Requires the Department of Health and Human Services to base a nursing facility's base year, for state fiscal years beginning on or after July 1, 2019, on the most recent cost reports available except that any rebasing may not result in a reimbursement rate that is lower than that in effect on June 30, 2018;
2. Requires the department to amend its rules to increase rates for adult family care services, adult day services, homemaker services, nursing facilities and residential care facilities, specifies the amount of the rate increases, requires future cost-of-living increases and provides funding to the department for the rate increases;
3. Requires the cost-of-living increases to continue for adult family care services, adult day services and homemaker services until the completion of a rate study conducted by a third party; and
4. Establishes the "Commission to Study Long-term Care Workforce Issues."

Part C provides funding to the Department of Health and Human Services and to the General Purpose Aid for Local Schools program within the Department of Education in fiscal year 2018-19 to establish reimbursement rates and increase existing reimbursement rates in the Department of Health and Human for children's habilitative services and specialized children's habilitative services.

Part D provides funding to the Department of Health and Human Services to increase certain reimbursement rates effective July 1, 2018 to reflect a 2% increase over rates in fiscal year 2008-09.

Part E provides funding to the Department of Health and Human Services for a 15% rate increase for the medication management services provided under rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 65, Behavioral Health Services.

Part F addresses the opiate crisis in Maine by:

1. Allowing funds from property forfeited pursuant to a criminal forfeiture action to be assigned by the court, upon the request of the investigating or prosecuting agency, to a law enforcement agency in this State that provides case management and other social services to persons with substance use disorders;
2. Adding in the Maine Criminal Code new variants of aggravated trafficking of scheduled drugs that include trafficking in scheduled drugs when the trafficked scheduled drug was a contributing factor in the death of another person, a Class A crime, or serious bodily injury of another person, a Class B crime;
3. Clarifying that the Class B crimes of aggravated furnishing of scheduled drugs and aggravated trafficking or furnishing of counterfeit drugs are for the death of another person, whose death was caused by a drug furnished by the defendant;
4. Making aggravated trafficking in fentanyl powder a Class A crime; and
5. Requiring the Department of Health and Human Services to provide an annual report to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding the Controlled Substances Prescription Monitoring Program, including the number of prescribers participating and trends in prescription practices.

Part G does the following:

1. Establishes a "hub-and-spoke" system for the treatment and recovery for those with substance use disorder to be supported by the Department of Health and Human Services;

## *Joint Standing Committee on Appropriations and Financial Affairs*

2. Requires that the department must assess opportunities for federal funding and provide grants for training when funding is available;
3. Requires the department to support the development of a plan to create a statewide resource and referral center for substance use disorder treatment and report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by February 1, 2019; and
4. Provides appropriations and allocations for the hub-and-spoke system and to support associated provider training.

Part H provides one-time additional funding for the provision of assisted living services at facilities currently operating at a loss. It directs the Department of Health and Human Services to conduct a review of possible ways to stabilize funding for affordable assisted living facilities that contract with the office of aging and disability services within the Department and to report back with its recommendations to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 11, 2019.

Part I requires the Department of Health and Human Services to increase reimbursement rates for multisystemic therapy, multisystemic therapy for problem sexualized behavior and functional family therapy by 20% until June 30, 2019 and to contract for a third-party rate study of the reimbursement rates for those therapies. The department is authorized to implement new rates through rulemaking as long as the rates are no lower than those that exist on April 1, 2018, and the rates are approved by the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services. This part also provides appropriations and allocations for the rate increase and the required study.

Part J provides additional funding for the Judicial Department to establish a new drug court in the State for up to 30 participants or to expand by up to 30 the number of participants served by existing drug courts in the State. It also provides funding for the case management and ancillary services provided to drug court participants by the office of substance abuse and mental health services within the Department of Health and Human Services.

Part K allows employees at state correctional facilities that close who have not reached their normal retirement age to retire and receive their full retirement benefit if certain conditions are met and funding is appropriated for the additional actuarial costs that result from the elimination of a reduction for retirement prior to normal retirement age. It also requires the Commissioner of Department of Corrections to notify the retirement system of the date of closure and provides for the funding for the unfunded actuarial liability of the additional retirement benefits to be provided through a one-time increase Department's employer contribution rate.

Part L establishes the Task Force To Study and Plan for the Implementation of Maine's Early Childhood Special Education Services to examine the national trends and relevant models of governing and delivering early childhood special education systems and the short-term and long-term costs and benefits to the Department of Education's proposed plan to restructure the Child Development Services System and to make recommendations for an early childhood special education services program plan. An appropriations and allocations section is included to provide \$3,700,000 in the second year of the biennium to address the Child Development Services System budgetary shortfall.

Part M establishes a residential housing lead abatement program administered by the Maine State Housing Authority. The purpose of the program is to provide grants to municipalities and to housing units and housing projects that meet specified eligibility standards. Priority for lead abatement projects funded by the program is given to residences occupied by children who have tested positive for lead poisoning. The program is funded by a one-time allocation of \$4,000,000 from the Fund for a Healthy Maine.

Part N restores funding on a one-time basis to Maine's school-based health centers to the level of funding provided

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in fiscal year 2016-17 and allows the joint standing committee of the Legislature having jurisdiction over health and human services matters to report out legislation to the First Regular Session of the 129th Legislature providing ongoing funding to school-based health centers.

### **Enacted Law Summary**

Public Law 2017, chapter 460 does the following.

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. Similar provisions are contained in LD 323 as amended by the Joint Standing Committee on Health and Human Services.

Part B does the following:

1. Requires the Department of Health and Human Services to base a nursing facility's base year, for state fiscal years beginning on or after July 1, 2019, on the most recent cost reports available except that any rebasing may not result in a reimbursement rate that is lower than that in effect on June 30, 2018;
2. Requires the department to amend its rules to increase rates for adult family care services, adult day services, homemaker services, nursing facilities and residential care facilities, specifies the amount of the rate increases, requires future cost-of-living increases and provides funding to the department for the rate increases;
3. Requires the cost-of-living increases to continue for adult family care services, adult day services and homemaker services until the completion of a rate study conducted by a third party; and
4. Establishes the "Commission to Study Long-term Care Workforce Issues."

Provisions similar to Part B are contained in LD 1466 as amended by a majority vote of the Joint Standing Committee on Health and Human Services.

Part C provides funding to the Department of Health and Human Services and to the General Purpose Aid for Local Schools program within the Department of Education in fiscal year 2018-19 to establish reimbursement rates and increase existing reimbursement rates in the Department of Health and Human for children's habilitative services and specialized children's habilitative services. Similar provisions are contained in LD 1820 as amended by the Joint Standing Committee on Health and Human Services.

Part D provides funding to the Department of Health and Human Services to increase certain reimbursement rates effective July 1, 2018 to reflect a 2% increase over rates in fiscal year 2008-09. Similar provisions are contained in LD 1517 as amended by a majority vote of the Joint Standing Committee on Health and Human Services.

Part E provides funding to the Department of Health and Human Services for a 15% rate increase for the medication management services provided under rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 65: Behavioral Health Services. Similar provisions are contained in LD 1737 as amended by the Joint Standing Committee on Health and Human Services.

Part F addresses the opiate crisis in Maine by:

1. Allowing funds from property forfeited pursuant to a criminal forfeiture action to be assigned by the court, upon the request of the investigating or prosecuting agency, to a law enforcement agency in this State that provides case management and other social services to persons with substance use disorders;

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2. Adding in the Maine Criminal Code new variants of aggravated trafficking of scheduled drugs that include trafficking in scheduled drugs when the trafficked scheduled drug was a contributing factor in the death of another person, a Class A crime, or serious bodily injury of another person, a Class B crime;
3. Clarifying that the Class B crimes of aggravated furnishing of scheduled drugs and aggravated trafficking or furnishing of counterfeit drugs are for the death of another person, whose death was caused by a drug furnished by the defendant;
4. Making aggravated trafficking in fentanyl powder a Class A crime; and
5. Requiring the Department of Health and Human Services to provide an annual report to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding the Controlled Substances Prescription Monitoring Program, including the number of prescribers participating and trends in prescription practices.

Provisions similar to Part F are contained in LD 1429 as amended by the Joint Standing Committee on Criminal Justice and Public Safety.

Part G does the following:

1. Establishes a "hub-and-spoke" system for the treatment and recovery for those with substance use disorder to be supported by the Department of Health and Human Services;
2. Requires that the department must assess opportunities for federal funding and provide grants for training when funding is available;
3. Requires the department to support the development of a plan to create a statewide resource and referral center for substance use disorder treatment and report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by February 1, 2019; and
4. Provides appropriations and allocations for the hub-and-spoke system and to support associated provider training.

Provisions similar to Part G are contained in LD 1430 as amended by a majority vote of the Joint Standing Committee on Health and Human Services.

Part H provides one-time additional funding for the provision of assisted living services at facilities currently operating at a loss. It directs the Department of Health and Human Services to conduct a review of possible ways to stabilize funding for affordable assisted living facilities that contract with the office of aging and disability services within the Department and to report back with its recommendations to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 11, 2019. Similar provisions are contained in LD 1742 as amended by a majority vote of the Joint Standing Committee on Health and Human Services.

Part I requires the Department of Health and Human Services to increase reimbursement rates for multisystemic therapy, multisystemic therapy for problem sexualized behavior and functional family therapy by 20% until June 30, 2019 and to contract for a third-party rate study of the reimbursement rates for those therapies. The department is authorized to implement new rates through rulemaking as long as the rates are no lower than those that exist on April 1, 2018 and the rates are approved by the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services. This part also provides appropriations and allocations for the rate increase and the required study. Similar provisions are contained in LD 1868 as amended by a majority vote of the Joint Standing Committee on Health and Human Services.



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Part J provides additional funding for the Judicial Department to establish a new drug court in the State for up to 30 participants or to expand by up to 30 the number of participants served by existing drug courts in the State. It also provides funding for the case management and ancillary services provided to drug court participants by the office of substance abuse and mental health services within the Department of Health and Human Services.

Part K allows employees at state correctional facilities that close who have not reached their normal retirement age to retire and receive their full retirement benefit if certain conditions are met and funding is appropriated for the additional actuarial costs that result from the elimination of a reduction for retirement prior to normal retirement age. It also requires the Commissioner of Department of Corrections to notify the retirement system of the date of closure and provides for the funding for the unfunded actuarial liability of the additional retirement benefits to be provided through a one-time increase Department's employer contribution rate. Similar provisions are contained in LD 177 as amended by a majority vote of the Joint Standing Committee on Appropriations and Financial Affairs.

Part L establishes the Task Force To Study and Plan for the Implementation of Maine's Early Childhood Special Education Services to examine the national trends and relevant models of governing and delivering early childhood special education systems and the short-term and long-term costs and benefits to the Department of Education's proposed plan to restructure the Child Development Services System and to make recommendations for an early childhood special education services program plan. An appropriations and allocations section is included to provide \$3,700,000 in the second year of the biennium to address the Child Development Services System budgetary shortfall. Similar provisions are contained in LD 1870 as amended by a majority vote of the Joint Standing Committee on Education and Cultural Affairs and Senate Amendment "A" thereto.

Part M establishes a residential housing lead abatement program administered by the Maine State Housing Authority. The purpose of the program is to provide grants to municipalities and to housing units and housing projects that meet specified eligibility standards. Priority for lead abatement projects funded by the program is given to residences occupied by children who have tested positive for lead poisoning. The program is funded by a one-time allocation of \$4,000,000 from the Fund for a Healthy Maine. Similar provisions are contained in LD 1542 as amended by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Part N restores funding on a one-time basis to Maine's school-based health centers to the level of funding provided in fiscal year 2016-17 and allows the joint standing committee of the Legislature having jurisdiction over health and human services matters to report out legislation to the First Regular Session of the 129th Legislature providing ongoing funding to school-based health centers. Similar provisions are contained in LD 1710 as amended by a majority vote of the Joint Standing Committee on Health and Human Services and House Amendment "A".

Public Law 2017, chapter 460 was enacted as an emergency measure effective July 9, 2018.

**LD 953      An Act To Authorize a General Fund Bond Issue To Support the      ONTP**  
**Biomass Industry**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T MARTIN J	ONTP	

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.

The funds provided by this bond issue, in the amount of \$20,000,000, will be used to provide support for the biomass industry in this State through the establishment of a revolving loan fund for capital investment in biomass generators or similar facilities. The fund is administered by the Public Utilities Commission.