

# 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

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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*

reimbursement rates for ambulance services below the rates as of January 1, 2017. The amendment also adds an appropriations and allocations section.

**LD 999      An Act To Provide a Healthy Learning Environment in Early Care Settings by Requiring Rules Concerning Nutrition and Physical Activity      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TERRY M	ONTP	

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

This bill provides that rules adopted by the Department of Health and Human Services for child care facilities and family child care providers must include rules pertaining to physical activity and recreational screen time and the provision of nutritious foods that contribute to the wellness, healthy growth and development of young children.

**LD 1000      Resolve, To Increase Access to Brain Injury Waiver Services      Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY R LANGLEY B	OTP-AM	H-295

This resolve 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 resolve 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 resolve directs the Department of Health and Human Services to increase the rates for services provided to MaineCare members receiving Home Support (Residential Habilitation) Level I under the brain injury waiver, rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 18, to no less than \$8.63 per quarter hour. It also allows up to 400 units of care coordination each year rather than only in the first year of receiving services under the waiver. The Department of Health and Human Services is directed to explore opportunities to provide additional telehealth services, including care coordination services, provided by both licensed medical personnel and nonlicensed personnel.

**Committee Amendment "A" (H-295)**

This amendment clarifies that the Department of Health and Human Services must seek approval from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to amend the brain injury waiver to increase Home Support (Residential Habilitation) Level I rates to no less than \$8.63 per quarter hour. It requires the increase in reimbursement to go to direct support employees. This amendment also includes an appropriations and allocations section.

**LD 1063      Resolve, To Reduce the Number of Substance-exposed Infants      Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMANN S CHIPMAN B	OTP-AM ONTP	H-678 S-460 VOLK A

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

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 was carried over on the Special Appropriations Table to the next special session by joint order S.P. 748.

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

This bill proposes to enact measures designed to enhance the protection of substance-exposed infants, which may include prevention, intervention, identification of risk and treatment of prenatal substance exposure.

### **Committee Amendment "A" (H-383)**

This amendment was the majority report of the committee during the First Regular Session. The amendment replaces the bill and changes the title. It requires the Department of Health and Human Services to amend its rules in the MaineCare Eligibility Manual to provide for presumptive eligibility for individuals who are likely to qualify for the family planning benefit under the Maine Revised Statutes, Title 22, section 3173-G. It also requires the department to amend its rules under the MaineCare Benefits Manual, Section 90 to include contraceptive counseling as part of the services provided to women and adolescents eligible for the MaineCare program, including counseling immediately postpartum as long as the patient and the provider determine it is appropriate. It requires the department to contract for community-based outreach and education regarding family planning options and availability that is targeted toward women and adolescents who are participating in substance use disorder treatment, in correctional settings, experiencing homelessness and living in other circumstances that identify a need for family planning services. The amendment also adds an appropriations and allocations section.

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

### **Committee Amendment "B" (H-678)**

This amendment is the majority report of the committee in the Second Regular Session. It replaces the bill with a resolve. It requires the Department of Health and Human Services to contract for community-based outreach and education regarding family planning options and availability that is targeted toward women and adolescents who are experiencing substance use disorder, housed in correctional facilities, experiencing homelessness or living in other circumstances that indicate a need for family planning services. The amendment also adds an appropriations and allocations section.

### **Senate Amendment "B" To Committee Amendment "B" (S-460)**

This amendment removes the outreach and educational program requirements in Committee Amendment "B" and instead requires the Department of Health and Human Services to conduct outreach to ensure providers are aware of the availability of reimbursement under MaineCare rules for contraceptive counseling and placement of a method of long-acting, reversible contraception.

**LD 1097      An Act To Develop and Distribute Work Training Pamphlets To Educate      ONTP**  
**State Agencies, Private Businesses and Other Organizations about**  
**Dementia**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARLOW D LIBBY N	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 to administer an educational program on dementia. The department is required to create a pamphlet to be distributed to state agencies, businesses, nonprofit