

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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STATE OF MAINE

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 1075 An Act To Eliminate Drug Use among Welfare Recipients

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARD K BRAKEY E	ONTP	

This bill requires an applicant for Temporary Assistance for Needy Families, or TANF, benefits to complete a written screening tool to determine the applicant's likelihood of current substance use. Based on the results of the screening tool or interactions with a TANF applicant or recipient, the Department of Health and Human Services may require the applicant or recipient to submit to a drug test as a condition of receiving benefits if the department has a reasonable suspicion that the applicant or recipient is using an illegal drug or controlled substance. If a recipient or applicant fails a drug test, that person may appeal the results and take a second drug test. If a recipient of TANF benefits or applicant for TANF benefits does not appeal or fails a second drug test, that recipient is denied TANF benefits for 120 days and the applicant is prohibited from reapplying for TANF benefits for 120 days. This mandatory denial provision is repealed October 1, 2019.

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

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARLOW D LIBBY N		

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 organizations and others that informs and educates about dementia-related conditions and how to recognize and communicate with persons who have dementia.

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

LD 1098 An Act To Ensure Reasonable Accommodations for Children for Whom Medical Marijuana Has Been Recommended

CARRIED OVER

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

This bill allows a medical provider with whom the child has a bona fide relationship to possess and administer marijuana on school grounds.

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

LD 1105 An Act To Promote Independent Living for People with Disabilities

ONTP

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

Joint Standing Committee on Health and Human Services

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

This bill proposes to reallocate certain federal funds currently received by the Department of Labor and the Department of Health and Human Services to ensure that those departments are in alignment with the goal of allowing people with disabilities to live as independently as possible. Under this bill, Maine programs would become more consistent with federal regulations by redirecting existing resources to fund the newly mandated fifth requirement of the independent living core services in the federal Independent Living Program, as adopted by the U.S. Department of Health and Human Services, Administration for Community Living, Independent Living Administration. The fifth core requirement of this bill directs the provision of services to focus on three key areas for people with disabilities: transition from nursing homes to home and community settings; diversion from nursing homes; and transition of youths 18 to 24 years of age from school to adult living. Possible funding streams for this bill include federal funding under the federal Workforce Innovation and Opportunity Act and Maine's Money Follows the Person demonstration project administered by the Department of Health and Human Services, federal funding currently allocated for the Office of Child and Family Services, Office of Aging and Disability Services and Office of Substance Abuse and Mental Health Services within the Department of Health and Human Services and funding from the Department of Education from federal funds for the Carl D. Perkins Career and Technical Education Act of 2006 grant for special services and adult education, as well as funds allocated or appropriated by the State from General Fund or Other Special Revenue sources.

LD 1108 An Act To Restore Public Health Nursing Services

PUBLIC 312

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARSON B	OTP-AM ONTP	S-155 S-329 HAMPER J

This bill is emergency legislation. This bill enumerates the types of nursing services that must be provided by the Public Health Nursing Program within the Department of Health and Human Services. It specifies required staffing in the program. It sets deadlines for staffing and requires the Public Health Nursing Program by September 1, 2017, and October 15, 2017, to report on progress in achieving full staffing. The bill requires the Joint Standing Committee on Health and Human Services to conduct a review of public health nursing services including types of public health needs of persons who have recently moved to the State, services being provided to meet those needs and any unmet needs. The bill requires the committee to provide to the Legislature a written report of its findings and recommendations for any future action by January 1, 2018.

Committee Amendment "A" (S-155)

This amendment is the majority report of the committee. It removes the emergency preamble and emergency clause. It adds to the description of services provided by public health nurses. It clarifies that the 50 full-time nurses must be providing nursing services directly to communities in Maine. It provides that the staff required by the bill must be licensed nurses. The amendment changes the staffing level and report dates. It removes the historical review of the Public Health Nursing Program. The amendment also adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-329)

This amendment requires the Department of Health and Human Services to promptly fill all public health nurse positions within the Public Health Nursing Program for which funding is provided. It prohibits the transfer or otherwise repurposing of any funds appropriated or allocated for the salaries, benefits and other costs of public health nurses and the services they provide. It changes reporting deadlines for the Director of the Public Health Nursing Program under the Department of Health and Human Services to report to the Joint Standing Committee on Health and Human Services on the progress of the department in achieving full staffing of the Public Health Nursing Program. The amendment also removes the appropriations and allocations section.