

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
128<sup>TH</sup> 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

128<sup>TH</sup> 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 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 date for non-emergency legislation enacted in the First Regular Session of the 128<sup>th</sup> 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*

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.

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

### Enacted Law Summary

Public Law 2017, chapter 312 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 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 as soon as possible after enactment of this Act and no later than March 1, 2018. 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 sets deadlines for staffing and requires 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 by December 15, 2017, and February 15, 2018, on the progress of the department in achieving full staffing of the Public Health Nursing Program.

Public Law 2017, chapter 284, the biennial budget, reinstates several Public Health Nurse positions.

### **LD 1109      An Act To Improve General Assistance Reimbursements**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIPMAN B HAMANN S		

This bill amends the municipal general assistance laws to provide a different method of determining the residence of an applicant and the municipality responsible for providing general assistance to that applicant, including an applicant relocating from another municipality. The bill provides that the municipality of record, which is defined as the municipality in which the applicant resided immediately prior to applying for assistance, is the responsible municipality.

#### **Committee Amendment "A" (S-273)**

This amendment, which is the majority report of the committee, replaces the bill and changes the title. It requires a municipality or Indian tribe to be responsible for 30% of the costs of its general assistance program and specifies that the costs incurred by the municipality or Indian tribe for administering the program count toward the 30%. It requires the Department of Health and Human Services to adopt routine technical rules to establish appropriate costs for administration. The amendment also adds an appropriations and allocations section.

This bill was reported out of committee and then recommitted to the committee; it was then carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

### **LD 1110      An Act Concerning Medicaid for Incarcerated Persons about To Be Released**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRATWICK G TUCKER R	ONTP	

This bill requires the Department of Health and Human Services to allow an incarcerated person who has lost Medicaid coverage due to losing a federal benefit provided under the United States Social Security Act while incarcerated to be given the opportunity and assistance to reapply for Medicaid coverage 45 days before release from incarceration.