

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH 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

128TH 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 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 dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128th 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

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

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

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

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

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

The substance of this bill was incorporated in LD 1539.

LD 1109 An Act To Establish Homelessness as an Emergency in the General Assistance Laws Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIPMAN B HAMANN S	OTP-AM OTP-AM ONTP	S-409

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 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 was the majority report of the committee in the First Regular Session, 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.

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

Committee Amendment "B" (S-409)

This amendment, which is the majority report of the committee in the Second Regular Session, replaces the bill. The amendment defines "homelessness" and establishes homelessness as an emergency for the purposes of a grant of emergency general assistance, as long as the person or household is not otherwise ineligible for or disqualified from receiving general assistance.

Joint Standing Committee on Health and Human Services

Committee Amendment "C" (S-410)

This amendment, which is one of two minority reports of the committee in the Second Regular Session, replaces the bill and incorporates the majority report in Committee Amendment "B", which defines "homelessness" and establishes homelessness as an emergency for the purposes of being granted emergency general assistance, as long as the person or household is not otherwise ineligible or disqualified from receiving general assistance. The amendment also makes an applicant for general assistance who voluntarily abandons or refuses to use an available resource without just cause ineligible to receive general assistance to replace the abandoned or refused resource for a period of 120 days from the date the applicant abandons or refuses the resource. It defines "available resource" as a resource that is immediately available or can be secured without delay. It also makes an applicant who forfeits an available resource due to fraud, misrepresentation or intentional violation of or refusal to comply with rules without just cause ineligible to receive general assistance to replace the forfeited resource for the duration of a sanction imposed on the applicant for any of these actions or 120 days, whichever is greater. The amendment also identifies circumstances relating to use of an available resource under which just cause must be found.

LD 1133 An Act Regarding Access to Appropriate Residential Services for Individuals Being Discharged from Psychiatric Hospitalization

PUBLIC 461

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J HILL D	OTP-AM	H-760

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session. This bill was carried over on the Special Appropriations Table from the Second Regular Session to the next special session by joint order S.P. 748.

This bill provides that, if a patient in a hospital who received treatment for a psychiatric condition and who the hospital has determined is clinically ready for discharge requests admission or readmission from the hospital to a facility operated by a residential service provider and that request is denied, the residential service provider must provide the patient the reasons for the denial in writing no later than three business days after the request is denied.

The bill directs the Department of Health and Human Services to develop a standardized form for use by residential service providers to state the specific reasons for denial. A residential service provider must provide the standardized form to the patient or the patient's parent or guardian or designated representative. A residential service provider must annually send to the department's division of licensing and regulatory services a report of all patients who are denied admission or readmission and the reasons given the patients that were contained in the standardized forms.

The bill allows a patient or a patient's parent or guardian or designated representative to recover \$500 from a residential service provider that violates these provisions. It also provides for the revocation of the license of a residential service provider that violates these provisions three times or more in a calendar year.

Committee Amendment "A" (H-760)

This amendment replaces the bill. It provides that a residential service provider may apply to the Department of Health and Human Services for temporary services in order to meet the needs of an adult patient who is ready for discharge from psychiatric hospitalization when the patient requires reasonable accommodations or a higher level of care for admission or readmission to the residential service provider's facility. It provides that if the services are reimbursable by the MaineCare program, the residential service provider must seek reimbursement first and it directs the department to provide the residential service provider with technical support in seeking MaineCare reimbursement. It directs the department to adopt rules to implement these provisions no later than January 1, 2019. It directs the department to report to the joint standing committee of the Legislature having jurisdiction over health