

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

STAFF:

ANNA BROOME, LEGISLATIVE ANALYST
ERIN LUNDBERG, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
AND
LUKE LAZURE, LEGISLATIVE ANALYST
OFFICE OF FISCAL AND PROGRAM REVIEW
5 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1635
<http://legislature.maine.gov/legis/opla/>

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*Committee member for a portion of the session

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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

This amendment clarifies that alternate required visits and medically necessary visits in skilled nursing facilities may be performed by physician assistants, nurse practitioners and clinical nurse specialists operating within their scope of practice if those tasks have been delegated by a physician.

Senate Amendment "A" To Committee Amendment "A" (S-144)

This amendment adds an emergency preamble and emergency clause to the amendment.

Enacted Law Summary

Public Law 2017, chapter 145 makes the following changes relating to staffing in nursing homes in accordance with federal regulations:

1. Alternate required visits and medically necessary visits for residents receiving skilled nursing facility level services may be performed by physician assistants, nurse practitioners and clinical nurse specialists operating within their scope of practice if those tasks have been delegated by a physician;
2. Certifications and recertifications to verify that the resident requires daily skilled nursing care or rehabilitation services may be performed by a physician assistant, nurse practitioner or clinical nurse specialist; and
3. Any physician task for nursing home residents receiving nursing facility level services may be performed by a physician assistant, nurse practitioner or clinical nurse specialist.

Public Law 2017, chapter 145 was enacted as an emergency measure effective June 8, 2017.

LD 1135

An Act To Strengthen the Efficacy of the Medical Marijuana Laws

CARRIED OVER

Sponsor(s)

CHACE P

Committee Report

Amendments Adopted

This bill makes the following changes to the Maine Medical Use of Marijuana Act:

1. The limit on the number of qualifying patients a primary caregiver may assist is clarified to be for a period of one calendar month or more;
2. The definition of a collective is strengthened;
3. The penalties for participation in a collective are enhanced;
4. A level of local control is provided by allowing a municipality to limit the number of primary caregivers that may operate within that municipality and allowing for enactment of reasonable municipal regulations applicable to primary caregivers;
5. The confidentiality provisions of primary caregivers are removed;
6. A primary caregiver and a registered dispensary are subject to fines for violations of the provisions of the Act or for failing to register as a primary caregiver or dispensary;
7. Fines prescribed for violations of the Act are mandatory;
8. The Office of the Attorney General may seek an injunction to require a registered primary caregiver, a registered dispensary, a person who fails to register as a primary caregiver and who engages in conduct that is only authorized

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for a registered primary caregiver or a person or entity that fails to register as a dispensary and that engages in conduct that is only authorized for a registered dispensary to comply with the Act. The District Court may order the registered primary caregiver, the registered dispensary or the person or entity to pay the costs of the investigation and the costs of suit, including attorney's fees;

9. The Office of the Attorney General may seek court action against a registered primary caregiver, a registered dispensary or a person or entity for violation of an injunction, including but not limited to imposition of a fine; and

10. The Department of Health and Human Services' burden of proof for a violation of the Act is a preponderance of the evidence.

The bill also includes an appropriations and allocations section.

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

LD 1136 *Resolve, Directing the Department of Health and Human Services To* **ONTP
Amend Its Rules Regarding Services Provided to Students**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARNSWORTH R	ONTP	

This resolve directs the Department of Health and Human Services to amend its rules regarding services provided to students to:

1. Allow speech pathologists to bill directly for services they provide to students who are eligible for the MaineCare program; and
2. Remove requirements that, for a student to be eligible for coverage for services under early periodic screening, diagnosis and treatment, the services be included in the student's individualized education plan or the family's individualized family service plan and that the services be medical in nature as opposed to educational.

LD 1148 *An Act To Safeguard the Rights of Private Child Care Businesses* **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIROCKI H		

This bill provides that the State may not prohibit the expulsion of a child from or compel the attendance of a child at an independently operated, privately owned child care facility except to remedy unlawful discrimination under the Maine Human Rights Act.

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

LD 1162 *An Act To Reduce the Incidence of Obesity and Chronic Disease in* **CARRIED OVER
Maine**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N HAMANN S		