

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

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

**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/>

**MEMBERS:**

SEN. ERIC L. BRAKEY, CHAIR  
SEN. JAMES M. HAMPER  
SEN. BENJAMIN M. CHIPMAN

REP. PATRICIA HYMANSON, CHAIR  
REP. ANNE C. PERRY  
REP. SCOTT M. HAMANN\*  
REP. JOYCE MCCREIGHT\*  
REP. COLLEEN M. MADIGAN  
REP. DALE J. DENNO  
REP. JENNIFER ELLEN PARKER  
REP. DEBORAH J. SANDERSON  
REP. RICHARD S. MALABY  
REP. FRANCES M. HEAD  
REP. PAUL B. CHACE

\*Committee member for a portion of the session

# STATE OF MAINE

128<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



## 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*

**LD 1177 An Act To Create an Appeals Process for Child Care Providers**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK A ESPLING E		

This bill establishes the Child Care Appeal Review Panel to review disputes related to the licensing and certification of child care facilities, family child care providers and nursery schools, including revocations, suspensions, denials, demotions to conditional status, rule compliance issues and denials of requests for alternative compliance methods but not including child abuse and neglect investigations. The review panel members are appointed by the Governor for five-year terms. The director of the division of licensing and regulatory services within the Department of Health and Human Services is the chair of the panel but does not vote. The Office of the Attorney General provides legal counsel. The department and facility are required to abide by decisions made by the review panel.

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

**LD 1186 Resolve, Directing the Department of Health and Human Services To Develop a Resource Guide for Assistance in Substance Abuse Matters**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERRISH K	ONTP	

This resolve requires the Department of Health and Human Services to create a resource guide for state-funded and other alcohol and drug abuse treatment, prevention and recovery programs. The resource guide must be made available on a publicly accessible website and searchable by location and by services provided.

**LD 1188 An Act To Facilitate MaineCare-Funded Assisted Living by Providing a Cost-of-living Adjustment to Private Nonmedical Institutions and Adult Family Care Homes**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY R	ONTP OTP-AM	H-330

This bill provides funds to the Department of Health and Human Services to give adult family care homes, residential care facilities and certain private nonmedical institutions a 4% cost-of-living rate increase for the state fiscal year ending June 30, 2018, and an additional cost-of-living increase for the state fiscal year ending June 30, 2019, based on a projected increase in the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index medical care services index. The bill provides that annual cost-of-living adjustments are to be provided by rule for each fiscal year thereafter in accordance with the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index medical care services index.

**Committee Amendment "A" (H-330)**

This amendment, which is the minority report of the committee, removes from the bill the 4% increase in fiscal year 2017-18 for reimbursement for adult family care homes, residential care facilities and certain private nonmedical institutions. It includes a reimbursement increase of 2.1% in fiscal year 2018-19. It establishes an annual increase beginning in fiscal year 2019-20 using the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services, Long-Term Care Hospital Market Basket change as published in the Federal

*Joint Standing Committee on Health and Human Services*

Register.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

**LD 1189      An Act To Define the Age of Consent for Alcohol or Drug Treatment and Mental Health Services      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT M HILL D		

Current law provides that a minor under 18 years of age may consent to treatment for abuse of alcohol or drugs or for emotional or psychological problems. This bill provides that a minor who is 14 years of age or older may consent to treatment for abuse of alcohol or drugs or for emotional or psychological problems and does not need the consent of a parent or guardian for such treatment. It also provides that if the parent or guardian consents to such treatment of a minor 14 years of age or older, the minor may not abrogate that consent and that if a minor 14 years of age or older consents to such treatment, a parent or guardian may not abrogate that consent.

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

**LD 1205      Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21, Allowances for Home and Community Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a Late-filed Major Substantive Rule of the Department of Health and Human Services      RESOLVE 15 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-325

This resolve provides for legislative review of portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21, Allowances for Home and Community Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a major substantive rule of the Department of Health and Human Services that was filed outside the legislative rule acceptance period.

**Committee Amendment "A" (H-325)**

This amendment provides that the Department of Health and Human Services may finally adopt portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21, Allowances for Home and Community Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a provisionally adopted major substantive rule, only if the rule is modified.

The first required modification to the rule is the removal of the requirement that a provider bill only for days on which a member is receiving per diem home support at 11:59 p.m. The rule must also clarify that there is no requirement that a provider bill only for days on which a member is physically present in the home at 11:59 p.m., to account for times when the member may be temporarily away from the home, for instance on a family visit. The modification must also clarify that on days when a member is transitioning between providers of home support, only the provider providing home support at 11:59 p.m. may bill for home support.

The second required modification to the rule relates to documentation for the audit of services provided. The proposed rule requires documentation showing the hours and the name of the direct staff scheduled to work with the