

# 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*

member. The required modification returns the rule to the current requirement that documentation show the hours and the name of the direct staff scheduled to work at the facility.

### **Enacted Law Summary**

Resolve 2017, chapter 15 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.

Resolve 2017, chapter 15 was finally passed as an emergency resolve effective June 8, 2017.

### **LD 1214 An Act To Create Fairness in Home-based Care Fees for Service**

**CARRIED OVER**

Sponsor(s)

LIBBY N

Committee Report

Amendments Adopted

This bill provides that rules adopted by the Department of Health and Human Services for the administration of the program for in-home and community support services for the elderly may not require a person receiving services under a state-funded program to make a monthly payment toward the administrative cost of coordination services if an in-home care service was not provided in that month.

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

### **LD 1272 An Act To Move Administration of the Child and Adult Care Food Program from the Department of Health and Human Services to the Department of Education**

**ONTP**

Sponsor(s)

HAMANN S

Committee Report

ONTP

Amendments Adopted

This bill moves the administration of the federal Child and Adult Care Food Program, which provides food assistance to children and adult participants in nonresidential institutions that provide care, from the Department of Health and Human Services to the Department of Education. It directs the Department of Education to enter into a written agreement with the United States Department of Agriculture to administer the program. It directs the Department of Health and Human Services to work with the Department of Education to move the administration of the program. It directs the Department of Education to report to the committee of jurisdiction during the Second Regular Session of the 128th Legislature and the First Regular Session of the 129th Legislature and include suggested legislation. It authorizes the Department of Education to adopt routine technical rules.

Some of the substance of this bill is included in Public Law 2017, chapter 284, the biennial budget.

### **LD 1273 Resolve, To Redispense Donated Prescription Drugs**

**CARRIED OVER**

Sponsor(s)

HYMANSON P

Committee Report

Amendments Adopted

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

This resolve requires the Maine Board of Pharmacy to adopt rules to allow a nongovernmental organization in the State to coordinate both the donation of unused prescription drugs by nursing homes, hospitals, wholesalers and other institutional pharmacies and the subsequent redispensing of these prescription drugs at no cost to low-income residents of the State.

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

### **LD 1291      An Act To Increase Affordability of and Access to Heat Pumps for Maine Homeowners** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T	ONTP	

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

This bill proposes to use unallocated funds from the Temporary Assistance for Needy Families program to increase affordability of and access to heat pumps for Maine homeowners.

### **LD 1300      An Act To Require a Prescription for a Medication That Contains Certain Substances That May Be Used To Make Methamphetamine** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COOPER J	ONTP	

This bill requires a prescription to possess any amount of ephedrine or pseudoephedrine. It removes references to ephedrine and pseudoephedrine from the laws governing over-the-counter sales of methamphetamine precursors.

### **LD 1301      An Act To Improve Access to Preventive, Cost-saving Dental Services** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J KATZ R	OTP-AM ONTP	H-248

This bill requires that, beginning October 1, 2017, MaineCare coverage for adult dental services include an annual comprehensive oral examination and preventive services, including prophylaxis, topical fluoride, sealants, oral hygiene instruction, behavior management and smoking cessation counseling.

#### **Committee Amendment "A" (H-248)**

This amendment is the majority report of the committee. It makes consistent the dates by which the Department of Health and Human Services is to notify providers of the scope of dental benefits covered by the MaineCare program. It moves the directive to the department to adopt rules relating to coverage of adult preventive dental services and the designation of those rules as routine technical rules to allocated language. This amendment also provides funding for increased MaineCare coverage required by the bill.

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.