

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

1. Allowing a parent who receives a child care subsidy to make up the difference between the amount of the subsidy and the total cost of child care without losing the subsidy;
2. Defining an infant as a child six weeks of age or older and under 12 months of age and a toddler as a child 12 months of age or older and under 36 months of age;
3. Allowing a person to care for up to four children in the person's home without that person's being required to become certified as a family child care provider;
4. Creating a license or certification renewal with a term of five years for a child care facility or family child care provider that has been in operation and licensed or certified in good standing for at least five consecutive years;
5. Directing the Department of Health and Human Services upon a complaint to investigate only that complaint unless there is reasonable cause to suspect another violation;
6. Providing a period of up to 90 days for a person to work as a staff member for a child care facility or family child care provider without the completion of a criminal background check while a criminal background check is being conducted;
7. Allowing for exceptions to department rules involving child-to-staff ratios, the ages of children and infants and toddlers in cases of extenuating circumstances due to an unexpected staff member absence or parent drop-off of a child at the facility or provider or due to the particular needs of an individual child;
8. Requiring department rules to be narrowly based upon the health and safety of the children and not to unreasonably interfere with facility or provider business operations in which the health and safety of the children are not involved;
9. Requiring in the instance of the department's declining to renew a license or certification of a child care facility or family child care provider that the renewal fee paid by the facility or provider be refunded;
10. Detailing inspection and post-inspection processes including the posting of information regarding a child care facility or family child care provider by the department on a publicly accessible website; and
11. Directing the department to develop recommended legislation to create an appeals board composed of members not employed or appointed by the department to review department decisions regarding child care facilities and family child care providers and to develop a child care provider bill of rights.

Committee Amendment "A" (S-398)

This amendment is the minority report of the committee. It retains only those sections of the bill that allow a person who receives a child care subsidy to make up the difference between the amount of the subsidy and the total cost of the child care without losing the subsidy and allow a person to care for up to four children in the person's home without that person being required to become certified as a family child care provider.

LD 1430

An Act To Develop a Statewide Resource and Referral Center and Develop Hub-and-spoke Models To Improve Access, Treatment and Recovery for Those with Substance Use Disorder

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VACHON K DILL J	OTP-AM ONTP	H-715

Joint Standing Committee on Health and Human Services

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill establishes a statewide resource and referral center for individuals with substance use disorders and friends and family members of individuals with substance use disorders, law enforcement and providers of substance abuse treatment. It requires the Department of Health and Human Services to contract with evidence-based substance abuse treatment providers across the State to provide integrated medication-assisted treatment to individuals with substance use disorders. Hubs provide comprehensive services for acute needs, and spokes are primary care facilities that offer behavioral health services or are connected to providers of those services. The Department of Health and Human Services is directed to fund treatment for individuals without insurance and develop a rate of reimbursement that takes into account the multiple parts of treatment an individual with a substance use disorder requires in addition to medication. The Department of Labor is directed to develop a career center program to assist individuals in treatment for substance use disorders or in recovery with career planning and taking advantage of employment opportunities. The Department of Health and Human Services is directed to develop assessment measures to evaluate performance and present a report on progress, implementation and assessment to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 1, 2020.

Committee Amendment "A" (H-715)

This amendment, which is the majority report of the committee, replaces the bill. It establishes the hub-and-spoke system in statute. It establishes definitions for "hub," "spoke," "levels of care," "integrated medication-assisted treatment" and "recovery support services." It requires the Department of Health and Human Services to support a hub-and-spoke system. It clarifies that the department must assess opportunities for federal funding and provide grants for training when funding is available. It requires the department to support the development of a plan to create a statewide resource and referral center for substance use disorder treatment that uses 211 Maine and links it with comprehensive statewide information on available treatment and recovery resources. It requires a report from the department to the joint standing committee of the Legislature having jurisdiction over health and human services matters by February 1, 2019. It includes an appropriations and allocations section that includes funding for the uninsured. It also adds an emergency preamble and emergency clause.

The substance of this bill was incorporated into Public Law 2017, chapter 460.

LD 1433 An Act To Protect Maine Children from Lung Cancer by Requiring Radon Testing in Schools

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C MILLETT R	OTP-AM	H-516

This bill was reported out of committee in the First Regular Session and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill requires school administrative units to test schools for radon every five years. If radon levels are above a certain level, the school administrative unit must take action to mitigate the affected areas. The school administrative unit must notify parents, faculty and staff of test results and must report test results to the Department of Education and the Department of Health and Human Services. The Department of Health and Human Services must report these results every five years to the Legislature and the Governor. The bill also requires school administrative units to build new schools using radon-resistant new construction techniques as recommended by the