

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**

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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.

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Department of Health and Human Services, conducted by a third party and including the participation of providers, and the rates in the rate study have been implemented.

3. It changes the date of the report from the Commission To Study Long-term Care Workforce Issues from October 15, 2017 to December 2, 2017.
4. It adds an appropriations and allocations section.

House Amendment "A" To Committee Amendment "A" (H-514)

This amendment amends Committee Amendment "A" to limit increases for nursing facilities so as not to exceed federally established upper payment limits.

This amendment was not adopted.

House Amendment "B" To Committee Amendment "A" (H-529)

This amendment replaced House Amendment "A". It incorporates the changes made by House Amendment "A" to Committee Amendment "A", removes the emergency preamble and emergency clause and changes the reporting deadline for the Commission To Study Long-term Care Workforce Issues.

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

LD 1474 An Act To Reduce the Regulation of Child Care Facilities

ONTP

Sponsor(s)
ESPLING E
BRAKEY E

Committee Report
ONTP

Amendments Adopted

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

This bill makes a number of changes to the child care system in the State.

1. It repeals Public Law 2011, chapter 380, Part UU, which set the child care subsidy payment rates of the Department of Health and Human Services at the 50th percentile of local market rates. This bill increases the payment rates to the 75th percentile of local market rates for payments the department makes on behalf of recipients of benefits under the child care subsidy program, recipients of benefits under TANF and recipients of benefits under ASPIRE-TANF.
2. It allows recipients of child care subsidies to pay the difference out of pocket between the amount of subsidy received and the amount charged by the child care provider.
3. It exempts from licensure family child care providers, nursery schools and small child care facilities that care for fewer than five children. Current law maintains this exemption for fewer than three children.
4. It establishes a five-year license and certification for child care providers that have been continuously in business without compliance violations. The cost of a five-year license or certification is 150% of the current two-year license or certification.
5. It specifies that when an inspection is prompted by a complaint the investigator may investigate only the specific complaint and not conduct an inspection that is unrelated to the complaint.
6. It removes the authority of the department to post complaints and investigation results on the department's

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website.

7. It establishes the Child Care Appeal Review Panel to review disputes related to the licensing and certification of child care facilities. This includes revocations, suspensions, denials, demotions to conditional status, rule compliance issues and denials of requests for alternative compliance methods. The review panel members are appointed by the Governor for five-year terms. The director of the office of licensing and regulatory services within the department is the chair of the panel but does not vote. The Office of the Attorney General provides legal counsel to the review panel. The department is required to abide by decisions made by the review panel.

8. It allows a child care provider to employ on a provisional basis an employee for 90 days before receiving a background check report from the Background Check Center.

9. It requires the department to develop a sliding scale plan to allow recipients of child care subsidies to keep part of the subsidy for a period of time after the recipient earns sufficient income to no longer be eligible for the subsidy. The Joint Standing Committee on Health and Human Services is authorized to report out a bill relating to eliminating the so-called welfare cliff with respect to child care subsidies after receiving the plan.

10. It requires the department to make a number of changes to rules governing licensed child care facilities and certified family child care providers regarding staff-child ratios, qualifications of staff, providing inspection reports to facilities at the time of inspection, removing requirements for references for owners and staff, removing requirements of spare clothing and removing specific requirements for the type of food provided.

LD 1481 *Resolve, To Establish a Pilot Project To Provide Travel Vouchers to Persons with Disabilities in Rural Communities* **ONTP**

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

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

This resolve incorporates the recommendations of the Statewide Independent Living Council's travel voucher working group convened pursuant to Public Law 2015, chapter 452, section 3. It requires the Department of Health and Human Services to issue a request for proposals for a one-year pilot project to develop travel voucher transportation programs for individuals with disabilities living in rural areas of the State. The department is required to report on the progress and implementation of the project to the Joint Standing Committee on Health and Human Services no later than November 30, 2018.

LD 1494 *An Act To Increase the Availability of Foster Homes* **Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANDERSON D	OTP-AM	H-396

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session. The bill was then 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 eliminates the requirement that the State Fire Marshal inspect a family foster home and certify that it meets