

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

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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

1. It clarifies that the consent form in the bill is presented to every patient at a methadone treatment facility rather than only to new patients.
2. It requires the Department of Health and Human Services to develop the consent form in both paper or electronic form.
3. It changes the frequency of a patient's dosage information entered into the Controlled Substances Prescription Monitoring Program from every 90 days to the day treatment begins, 90 days later and every 180 days after that.
4. It allows a prescriber or the prescriber's designee to enter a patient's identifying information into the Controlled Substances Prescription Monitoring Program.
5. It provides that disclosure of a patient's identifying information is subject to 42 Code of Federal Regulations, Section 2.32.
6. It requires an enhancement to the Controlled Substances Prescription Monitoring Program to be in a contract amendment rather than a request for proposals process.
7. It requires the department to convene a stakeholder group to advise on the criteria for the enhancement to the Controlled Substances Prescription Monitoring Program. The stakeholders must include methadone providers and providers of emergency services.
8. It removes the date by which the enhancement to the Controlled Substances Prescription Monitoring Program must be completed and requires a progress report on implementation of the enhancement to the Joint Standing Committee on Health and Human Services by January 30, 2018.

Enacted Law Summary

Public Law 2017, chapter 243 allows for the name of a methadone treatment facility and dosage information regarding methadone for the treatment of opioid dependency to be entered into the Controlled Substances Prescription Monitoring Program if a patient has given consent to the facility and the information is disclosed only during a medical emergency and only to medical personnel involved in treating the patient. Any disclosure of methadone dosage information is subject to 42 Code of Federal Regulations, Section 2.32. A patient's dosage information must be entered into the Controlled Substances Prescription Monitoring Program when treatment begins, 90 days after that, and then every 180 days. The Department of Health and Human Services must amend the contract amendment to ensure the required enhancement to the Controlled Substances Prescription Monitoring Program. The department must convene a stakeholder group to advise on the criteria for the enhancement and stakeholders must include methadone providers and providers of emergency services. The department must submit a progress report on implementation of the enhancement to the Joint Standing Committee on Health and Human Services by January 30, 2018.

LD 1620 An Act To Reform Welfare for Increased Security and Employment

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE K HAMPER J	ONTP OTP-AM	

This bill makes a number of changes to the statutes relating to programs administered by the Department of Health and Human Services.

The bill makes changes to the laws relating to electronic benefits transfer cards by allowing the department to place

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photographs on the cards and to restrict the number of replacement cards issued. It removes reference to the Aid to Families with Dependent Children, or AFDC, program in the laws relating to electronic benefits transfer cards.

The bill requires reporting by the department on welfare fraud, electronic benefits transfer card transactions, provider contracts, grant funding, department out-of-state travel costs and spending in the MaineCare program, the Temporary Assistance for Needy Families program, the statewide food supplement program and municipal general assistance. The bill also requires the Attorney General to report information on welfare fraud cases.

The bill provides for annual eligibility evaluations under the MaineCare program.

The bill allows the department to withhold municipal reimbursement for general assistance if a municipality is found to have committed a violation that includes improper expenditures.

The bill changes the statewide food supplement program eligibility requirements as they relate to felony drug offenders, certain felons convicted of violent crimes and sexual assault, noncooperation with child support collection and certain lottery and gambling winners.

The bill ensures the asset test for the statewide food supplement program eligibility remains in effect and is not waived. It also ensures the federal work requirement and time limit provisions for able-bodied adults without dependents are in effect and not waived.

The bill limits eligibility for the federally funded food supplement program to citizens and individuals with qualified noncitizen status as determined by the United States Department of Agriculture. Under current law, the lifetime limit on Temporary Assistance for Needy Families assistance is 60 months. This bill reduces that limit to 36 months, absent hardship.

The bill repeals the laws governing the food stamp standard utility allowance. The bill makes individuals convicted of the crimes of theft or fraud in connection to the Temporary Assistance for Needy Families program, the statewide food supplement program or child care subsidies ineligible to receive Temporary Assistance for Needy Families assistance.

Finally, the bill requires education programs paid for through the Temporary Assistance for Needy Families program to be for occupations that have at least an average job outlook as determined by the United States Department of Labor, Bureau of Labor Statistics.

Committee Amendment "A" (H-536)

This amendment, which is the minority report of the committee, clarifies that the photograph of an authorized representative of a recipient of benefits issued through an electronic benefits transfer card may be included on the recipient's electronic benefits transfer cards and that such an electronic benefits transfer card is a government-issued identification card. It clarifies that an individual is permanently disqualified from receiving food assistance through the food supplement program if, on or after July 1, 2017, the individual has been convicted of a second or subsequent felony offense that includes as an element of the offense the manufacture, cultivation, distribution, possession or use of a controlled substance. It clarifies that a family group is not eligible for TANF assistance, a child care subsidy or employment services if the family group contains at least one adult member who has received TANF assistance, including federal TANF assistance received in any other state, for 36 or more calendar months since October 1, 1996, unless the Commissioner of Health and Human Services determines a hardship exists. The amendment also adds an appropriations and allocations section.

This amendment was not adopted.

A number of statutory changes to public assistance programs are included in Public Law 2017, chapter 284, Part NNNNNNN.