

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.

Joint Standing Committee on Health and Human Services

LD 1708 Resolve, Directing the Department of Health and Human Services To Allow Relatives and Legal Guardians To Provide Home and Community-based Services to Eligible Members

Died On Adjournment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COREY P DIAMOND B	OTP-AM	H-664

This bill was carried over as a resolve on the Special Appropriations Table from the Second Regular Session to the next special session by joint order S.P. 748.

This bill allows a MaineCare member approved for consumer-directed attendant services under the MaineCare program to hire any family member, including a spouse, or a legal guardian to provide those services in the home or community. It requires the Department of Health and Human Services to submit a waiver request to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services no later than January 1, 2019. The department is required to adopt rules within 180 days of receiving approval for the waiver.

Committee Amendment "A" (H-664)

This amendment replaces the bill with a resolve. The amendment requires the Department of Health and Human Services to submit a request to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to amend the current 1915(c) waiver so that eligible members receiving home and community-based services under the department's rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 19 will be able to receive services provided by relatives, including spouses, or legal guardians who are employed to provide those services. It requires the department to amend its rules after the amended waiver approval has been received from the Federal Government. The amendment requires the department to provide an interim report and a final report regarding the progress in applying for, receiving and implementing the amended waiver, as well as data on the number of individuals receiving services from relatives, including spouses, or legal guardians, any information about costs or savings and recommendations about the feasibility for similarly expanding other MaineCare programs or other potential waiver programs available under Medicaid. It also adds an appropriations and allocations section.

LD 1709 An Act To Allow the Maine Developmental Services Oversight and Advisory Board Access to Investigations of Suspicious Deaths and Mortality Reviews Performed by the Department of Health and Human Services

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARKER J	OTP-AM ONTP	H-702

This bill was 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 grants the Maine Developmental Services Oversight and Advisory Board direct access to the personal planning and other records of a person receiving adult developmental services, subject to appropriate safeguards to protect the person's right to confidentiality, and grants the board direct access to the records of an investigation into the suspicious death of or the records of a mortality review pertaining to a person with intellectual disabilities or autism, subject to appropriate safeguards for the privacy of the deceased person. It also requires the Department of Health and Human Services to notify the board of any report made to a medical examiner regarding a mandated reporter's knowledge or reasonable suspicion that an adult receiving adult developmental services has died as a

Joint Standing Committee on Health and Human Services

result of abuse or neglect.

Committee Amendment "A" (H-702)

This amendment is the majority report of the committee. It clarifies that records being accessed by the Maine Developmental Services Oversight and Advisory Board are records that are in the possession of the Department of Health and Human Services and do not include records generated by a hospital. The department is required to implement the requirements of this legislation within existing resources.

LD 1710 An Act To Restore Maine's School-based Health Centers

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANDY J MAKER J	OTP-AM ONTP	H-635 H-667 HANDY J

This bill was 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 restores funding to Maine's school-based health centers to the level of funding provided in fiscal year 2016-17.

Committee Amendment "A" (H-635)

This amendment, which is the majority report of the committee, provides that funding for school-based health centers is a one-time appropriation from the Fund for a Healthy Maine and authorizes the joint standing committee of the Legislature having jurisdiction over health and human services matters to report out legislation to provide ongoing funding for school-based health centers in the First Regular Session of the 129th Legislature.

House Amendment "A" To Committee Amendment "A" (H-667)

This amendment strikes the emergency preamble and emergency clause and replaces the appropriations and allocations section.

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

LD 1711 Resolve, To Save Lives by Establishing a Homeless Opioid Users Service Engagement Pilot Project within the Department of Health and Human Services

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE D MAKER J	OTP-AM ONTP	H-737 S-523 HAMPER J

This resolve was carried over on the Special Appropriations Table from the Second Regular Session to the next special session by joint order S.P. 748.

This resolve establishes within the Department of Health and Human Services a pilot project to provide rapid access to low-barrier treatment for substance use disorders and stable housing to support recovery and create stability for 50 opioid users who are among the most vulnerable and unstable in the State. It directs the department to implement the pilot project no later than September 1, 2018, and to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by March 15, 2019. The joint standing