

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON HEALTH AND
HUMAN SERVICES**

August 2019

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STATE OF MAINE

129TH 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 129th 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 129th Legislature is Thursday, September 19, 2019. 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

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

**LD 408 Resolve, To Require the Department of Health and Human Services To
Develop a Plan for Neurobehavioral Beds**

RESOLVE 88

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C BELLOWS S	OTP-AM	H-471

This resolve requires the Department of Health and Human Services to provide by September 1, 2020, 16 new neurobehavioral beds in one or more neurobehavioral centers to serve individuals with significant behavioral challenges and complex medical needs who need short-term evaluation and treatment before transitioning to a long-term care environment in either the community or a long-term care facility.

Committee Amendment "A" (H-294)

This amendment, which is the minority report of the committee, adds an appropriations and allocations section.

This amendment was not adopted.

This resolve was reported out of committee with this amendment and then recommitted to committee.

Committee Amendment "B" (H-471)

This amendment is the unanimous report of the committee after the bill was recommitted. It requires the Department of Health and Human Services to develop a plan to provide up to 16 new neurobehavioral beds in the State to serve individuals with brain injury and accompanying significant behavioral challenges who need short-term treatment for no longer than one year before transitioning to a long-term care environment. These individuals must be unable to be served appropriately in the community or in a nursing facility lacking specialized neurobehavioral services but must not need hospitalization. The department shall submit a report with the plan, together with any necessary legislation, to the Joint Standing Committee on Health and Human Services no later than January 30, 2020. The committee is authorized to report out a bill to the Second Regular Session of the 129th Legislature.

Enacted Law Summary

Resolve 2019, chapter 88 requires the Department of Health and Human Services to develop a plan to provide up to 16 new neurobehavioral beds in the State to serve individuals with brain injury and accompanying significant behavioral challenges who need short-term treatment for no longer than one year before transitioning to a long-term care environment. These individuals must be unable to be served appropriately in the community or in a nursing facility lacking specialized neurobehavioral services but must not need hospitalization. The department shall submit a report with the plan, together with any necessary legislation, to the Joint Standing Committee on Health and Human Services no later than January 30, 2020. The committee is authorized to report out a bill to the Second Regular Session of the 129th Legislature.

LD 414 An Act To Increase the Number of Intensive Case Managers

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DODGE J HERBIG E	OTP-AM	H-196

Joint Standing Committee on Health and Human Services

This bill directs the Department of Health and Human Services to create additional intensive case manager positions so that counties that do not have a county jail or regional jail will have an intensive case manager. An intensive case manager oversees persons who are detained by a law enforcement officer and who have intellectual disabilities or mental health conditions or have misused substances and connects them to the services for which they qualify, works with the court system to ensure that they receive due process and speedy trials and assists persons who qualify for the MaineCare program to apply for and receive MaineCare benefits and services while being detained or incarcerated, including during the implementation of diversion and reentry plans.

Committee Amendment "A" (H-196)

This amendment, which is the unanimous report of the committee, replaces the bill. It provides funding for four additional Intensive Case Manager positions in the Department of Health and Human Services.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 416	An Act To Allow Eating Establishments To Permit Smoking Tobacco in Designated Outdoor Eating Areas	Accepted Majority (ONTP) Report
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ANDREWS J TIMBERLAKE J	ONTP OTP-AM	

This bill allows an eating establishment to permit smoking tobacco in a designated outdoor eating area if no one under 21 years of age is allowed in the designated outdoor eating area.

Committee Amendment "A" (H-62)

This amendment, which is the minority report of the committee, replaces the bill. It amends the laws about smoking in public places to not prohibit smoking in an outdoor eating area of an eating establishment as long as no one under 21 years of age is permitted in the outdoor eating area. It requires an eating establishment that allows smoking to prohibit employees of the eating establishment from providing dining and beverage service in an outdoor eating area, require its patrons to obtain and purchase food and drink in an area of the eating establishment that prohibits smoking and maintain and enforce policies that limit the circumstances in which employees of an eating establishment may enter an outdoor eating area during the times in which smoking is allowed.

This amendment was not adopted.

LD 421	Resolve, To Amend the State Plan Regarding the Processing of Vouchers under the Special Supplemental Nutrition Program for Women, Infants and Children by Farmers' Markets	ONTP
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TERRY M	ONTP	

This resolve directs the Department of Health and Human Services to amend its state plan to authorize farmers' markets to redeem coupons from the federal Special Supplemental Nutrition Program for Women, Infants and Children.