

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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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

LD 1153 An Act To Provide Flexibility in the Treatment of Individuals with Intellectual Disabilities or Autism

Leave to Withdraw Pursuant to Joint Rule

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANDY J LIBBY N		

This bill requires a review team determining whether to approve a behavior modification or behavior management program for a person with an intellectual disability or autism to consider the successful use of the program for the person in another state. It requires that one member of the review team must be qualified by training and experience in the use of behavior change procedures and the assessment and treatment of severe problem behavior. It specifies criteria that a behavior modification or behavior management program submitted for review must meet. It provides for a process for appealing a review team's determination. It allows for temporary restrictions on the possession or use of personal property through the use of reinforcement procedures under a behavior modification or behavior management program.

LD 1161 An Act To Restrict the Use of Mercury in Dental Fillings in State-funded Dental Procedures

Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER M MEYER M	ONTP OTP-AM	

This bill prohibits the use of mercury amalgam fillings as part of a procedure covered by any dental care program funded or partially funded by the State.

Committee Amendment "A" (S-181)

This amendment, which is the minority report of the committee, replaces the bill. This amendment provides that, beginning January 1, 2020, a person licensed as a dentist or dental hygienist with dental hygienist therapy authority may place a mercury amalgam filling in a tooth as part of a procedure that is covered by MaineCare only if the patient or the patient's parent or legal guardian signs a consent form. The signed form must be submitted with the request for reimbursement under MaineCare and a copy of the signed form must be retained in the patient's records for a period of at least three years for review during MaineCare recertification. This amendment also includes an appropriations and allocations section.

This amendment was not adopted.

LD 1171 An Act To Prevent Sexual and Domestic Violence and To Support Survivors

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E DUNPHY M	OTP-AM	S-86

This bill provides funding for sexual assault and domestic violence prevention and victim services.

Committee Amendment "A" (S-86)

Joint Standing Committee on Health and Human Services

This amendment incorporates a fiscal note.

Public Law 2019, chapter 343 (the biennial budget) included funding for sexual assault and domestic violence prevention and victim services at the same level as this bill but only for two years.

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 1178 *An Act To Address the Needs of Children with Intellectual Disabilities and Autism Spectrum Disorder* CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STOVER H	OTP-AM	H-410

This bill requires the Department of Health and Human Services to apply for a home and community-based waiver from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to provide services to children up to 21 years of age with intellectual disabilities or autism spectrum disorder. Services must be provided according to a care plan process that requires participation by the child's family. The care plan must address safety as the highest priority. The care plan must address the child's developmental, mental health, emotional, social, educational and physical needs in the least restrictive environment. Services must be clinically appropriate, be provided in a location as close to the child's home as possible, be provided in a timely manner and promote early identification and intervention. The department is directed to apply for the waiver no later than January 1, 2020. Upon approval of the waiver, the department is directed to adopt rules within six months. The rules are major substantive rules.

Committee Amendment "A" (H-410)

This amendment removes the requirement for the Department of Health and Human Services to request a waiver pursuant to Section 1915(c) of the United States Social Security Act for services to children with intellectual disabilities or autism spectrum disorder and allows the department to apply for any waiver or state plan amendment that would accomplish this purpose. The amendment also adds an appropriations and allocations section.

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 1180 *Resolve, To Establish the Task Force To Better Coordinate the Protection of Vulnerable Populations* CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY S GRATWICK G		

This resolve establishes the Task Force To Better Coordinate the Protection of Vulnerable Populations to identify areas of improvement in the coordination of information and processes of the entities that investigate allegations of abuse and neglect. The task force must report its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Health and Human Services by December 4, 2019.

This resolve was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.