

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
129<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL AND SECOND REGULAR SESSIONS



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

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

November 2020

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# STATE OF MAINE

129<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



## 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 129<sup>th</sup> 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 129<sup>th</sup> 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 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 DUNPHYM	OTP-AM	S-86

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

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

**Committee Amendment "A" (S-86)**

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 again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**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 was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

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 again carried over, still on the Special Appropriations Table, to any special session of the 129th

***Joint Standing Committee on Health and Human Services***

Legislature by joint order, S.P. 788.

**LD 1180      *Resolve, To Establish the Task Force To Better Coordinate the Protection of Vulnerable Populations*      ONTP**

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

This resolve was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

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.

**LD 1295      *An Act To Determine the Need To Increase the Number of Forensic Emergency and Crisis Beds*      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R DOW D	REFERRED ONTP	

This bill was carried over in the Criminal Justice and Public Safety Committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322. During the Second Regular Session a majority of the Criminal Justice and Public Safety Committee voted to re-refer the bill to the Health and Human Services Committee; a minority of the committee voted Ought Not to Pass. It was re-referred to the Health and Human Services Committee in the Second Regular Session.

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to direct the Department of Health and Human Services and the Department of Corrections to determine the current need for forensic emergency and crisis beds to ensure the prompt and humane treatment of arrested individuals who are suffering from mental illness and awaiting trial. In making this determination, the departments shall consider:

1. The number of currently available forensic emergency and crisis beds;
2. The number of individuals currently awaiting placement pretrial;
3. The annual average number of individuals needing forensic services pretrial;
4. Proposals to address unmet needs and associated costs; and
5. Other factors that would lessen wait times for placements and provide needed mental health services to individuals pretrial.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.