

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

STAFF:

ANNA BROOME, SENIOR LEGISLATIVE ANALYST
ERIN DOOLING, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
AND
LUKE LAZURE, SENIOR LEGISLATIVE ANALYST
OFFICE OF FISCAL AND PROGRAM REVIEW
5 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1635
<http://legislature.maine.gov/legis/opla/>

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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 1185 An Act To Facilitate Intervention by and Provision of Services through the Department of Health and Human Services for Certain Families Affected by Substance Use ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN M MILLETT R	ONTP	

This bill requires the Department of Health and Human Services to provide and pay for services relating to and treatment for substance use disorder in cases in which it does not file a child protection petition under the Maine Revised Statutes, Title 22, section 4032 but does open a case to provide services to the family to alleviate child abuse and neglect in the home, and also to provide and pay for those services as part of the rehabilitation and reunification plan required pursuant to Title 22, section 4041 when a child has been removed from the home. The bill provides that the department is not financially responsible if the person receiving services is insured by MaineCare or other insurance and that insurance covers the cost of those services. The bill establishes a program within the department for families affected by substance use disorder. The department is required to create a process to identify families engaged in a rehabilitation and reunification plan in which substance use disorder is a barrier to the return of a child to the child's home and ensure the family receives intervention and treatment for the disorder.

LD 1190 An Act To Prohibit the Furnishing of Tobacco Products to Minors PUBLIC 495

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R GROHOSKI N	OTP-AM OTP-AM	S-238

This bill prohibits the sale and distribution of flavored tobacco products, including flavored cigars.

Committee Amendment "A" (S-238)

This amendment, which is the majority report of the committee, replaces the bill. It provides that it is a Class D crime for a person who is 21 years of age or older to procure, furnish, give, sell or deliver a tobacco product to a minor or allow a minor under that person's control or in a place under that person's control to possess or consume a tobacco product. This provision does not apply to a licensee under the Maine Revised Statutes, Title 22, chapter 262-A or an agent of that licensee in the scope of employment. Current law provides that a person is guilty of endangering the welfare of a child if the person knowingly sells, furnishes, gives away or offers to sell, furnish or give away cigarettes to a child under 16 years of age. This amendment instead makes the same conduct illegal with respect to a tobacco product.

Committee Amendment "B" (S-239)

This amendment, which is the minority report of the committee, amends the bill by removing the flavors of menthol, mint and wintergreen from the list of flavors prohibited in the bill. It makes the definition of "electronic smoking device" in the bill consistent with the definition of "electronic smoking device" in the Maine Revised Statutes, Title 22.

It also provides that it is a Class D crime for a person who is 21 years of age or older to procure, furnish, give, sell or deliver a tobacco product to a minor or allow a minor under that person's control or in a place under that person's control to possess or consume a tobacco product. It is an exception to this provision if the person provides a tobacco product to a minor in a home in the presence of the minor's parent, guardian or custodian. This provision does not apply to a licensee under the Maine Revised Statutes, Title 22, chapter 262-A or agents of that licensee in

Joint Standing Committee on Health and Human Services

the scope of employment. Current law provides that a person is guilty of endangering the welfare of a child if the person knowingly sells, furnishes, gives away or offers to sell, furnish or give away cigarettes to a child under 16 years of age. This amendment instead makes the same conduct illegal with respect to a tobacco product.

This amendment was not adopted.

Enacted Law Summary

Public Law 2019, chapter 495 provides that it is a Class D crime for a person who is 21 years of age or older to procure, furnish, give, sell or deliver a tobacco product to a minor or allow a minor under that person's control or in a place under that person's control to possess or consume a tobacco product. This provision does not apply to a licensee under the Maine Revised Statutes, Title 22, chapter 262-A or an agent of that licensee in the scope of employment. It also provides that a person is guilty of endangering the welfare of a child if the person knowingly sells, furnishes, gives away or offers to sell, furnish or give away a tobacco product to a child under 16 years of age.

LD 1201 An Act To Create a Low-barrier, Permanent Housing Rental Subsidy ONTP
for Individuals in the State Experiencing Long-term Homelessness

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARNSWORTH D	ONTP	

This bill establishes a rental subsidy program within the Maine State Housing Authority for persons experiencing long-term homelessness. The rental subsidy program provides a rental subsidy and housing retention services to a person eligible for the program.

LD 1202 Resolve, To Develop a Plan To Improve Service Delivery to Individuals ONTP
Receiving Medicaid Home and Community-based Services

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARNSWORTH D	ONTP	

This resolve directs the Department of Health and Human Services to convene a stakeholder group to review the Medicaid home and community-based settings rules, review past efforts by the State to come into compliance with those rules and make recommendations about how to bring the State into compliance and recommendations on necessary statutory and regulatory changes. The department is required to submit a report by January 15, 2020 to the Joint Standing Committee on Health and Human Services, which may submit a bill to the Second Regular Session of the 129th Legislature.

LD 1218 An Act To Allow Maine Medical Marijuana Caregivers To Measure PUBLIC 256
Cultivation Limits by Plant Canopy Size

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COREY P ROSEN K	OTP	

This bill amends the Maine Medical Use of Marijuana Act provision governing how much medical marijuana caregivers may cultivate. It defines the term "plant canopy" and adds language allowing caregivers to cultivate up to 30 mature marijuana plants or 500 square feet of plant canopy, 60 immature marijuana plants and unlimited seedlings.