

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

This bill changes the requirements for persons responsible for public burying grounds by changing the documentation of cremated remains buried in a burying ground from a permissive function to a mandated duty to be performed by the responsible person within seven days of the cremated remains being buried.

Enacted Law Summary

Public Law 2019, chapter 257 changes the requirements for persons responsible for public burying grounds by changing the documentation of cremated remains buried in a burying ground from a permissive function to a mandated duty to be performed by the responsible person within seven days of the cremated remains being buried.

LD 1486 An Act To Strengthen Supports for Adults with Intellectual Disabilities or Autism in Crisis

PUBLIC 290

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARNSWORTH D	OTP-AM	H-411

This bill requires the Department of Health and Human Services to provide a system of crisis and respite services specific to persons with intellectual disabilities or autism and their families. It requires the department to adopt rules by January 1, 2020. The rules are major substantive rules.

Committee Amendment "A" (H-411)

This amendment replaces the bill. It amends the current law regarding crisis and respite services for persons with intellectual disabilities or autism by requiring the Department of Health and Human Services to provisionally adopt major substantive rules on crisis and respite services no later than April 1, 2020. It also requires the Department of Health and Human Services to study the existing services for persons with intellectual disabilities or autism and determine the adequacy of the MaineCare reimbursement methodology and rates paid to providers for meeting the needs of persons at risk for out-of-home placement due to challenging behavior that affects health and safety. The department is required to report its findings and recommendations to the Joint Standing Committee on Health and Human Services no later than January 30, 2020.

Enacted Law Summary

Public Law 2019, chapter 290 requires the Department of Health and Human Services to provisionally adopt major substantive rules on crisis and respite services for persons with intellectual disabilities or autism no later than April 1, 2020. It requires the Department of Health and Human Services to study the existing services for persons with intellectual disabilities or autism and determine the adequacy of the MaineCare reimbursement methodology and rates paid to providers for meeting the needs of persons at risk for out-of-home placement due to challenging behavior that affects health and safety. The department is required to report its findings and recommendations to the Joint Standing Committee on Health and Human Services no later than January 30, 2020.

LD 1505 An Act To Amend the Marijuana Laws To Correct Inconsistencies in Recently Enacted Laws

PUBLIC 331

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HYMANSON P	OTP-AM	H-513

This bill is a concept draft pursuant to Joint Rule 208. This bill, as emergency legislation, proposes to make technical changes to and correct errors in the adult use marijuana and medical marijuana laws.

Committee Amendment "A" (H-513)

Joint Standing Committee on Health and Human Services

This amendment, which is the unanimous report of the committee, replaces the bill, which is a concept draft. It corrects technical conflicts and other errors or inconsistencies that resulted when both Public Law 2017, chapter 447 and Public Law 2017, chapter 452 were enacted in the 128th Legislature. It also provides that a registered caregiver, registered dispensary, marijuana testing facility and manufacturing facility are required to pay all costs and fees associated with the use of the statewide electronic portal for record keeping.

Enacted Law Summary

Public Law 2019, chapter 331 corrects technical conflicts and other errors or inconsistencies that resulted when both Public Law 2017, chapter 447 and Public Law 2017, chapter 452 were enacted in the 128th Legislature. It also provides that a registered caregiver, registered dispensary, marijuana testing facility and manufacturing facility are required to pay all costs and fees associated with the use of the statewide electronic portal for record keeping.

LD 1510 **Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97: Private Non-Medical Institution Services and Appendices B, C, D, E and F, a Late-filed Major Substantive Rule of the Department of Health and Human Services**

**RESOLVE 39
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This resolve provides for legislative review of portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97: Private Non-Medical Institution Services and Appendices B, C, D, E and F, a major substantive rule of the Department of Health and Human Services that was filed outside the legislative rule acceptance period.

Enacted Law Summary

Resolve 2019, chapter 39 authorizes the Department of Health and Human Services to adopt the major substantive rules for portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97: Private Non-Medical Institution Services and Appendices B, C, D, E and F.

Resolve 2019, chapter 39 was finally passed as an emergency measure effective May 30, 2019.

LD 1512 **An Act Regarding Persons Who Are Found Not Criminally Responsible and Are Sent out of State for Treatment**

PUBLIC 405

Sponsor(s)

Committee Report

Amendments Adopted

GATTINE D
BREEN C

OTP-AM

H-469

This bill concerns persons charged with crimes who are judged not criminally responsible by reason of insanity who are placed in an institution outside the State.

The bill:

1. Requires the court, before placing a person in an institution outside the State or upon request of the person after being placed outside the State, to conduct a hearing to find that the institution is the least restrictive placement, that there is not an equivalent placement within the State and that the institution outside the State will comply with state reporting requirements;
2. Requires an institution outside the State in which a patient is placed to provide quarterly status reports on the