

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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/>

MEMBERS:

SEN. GEOFFREY M. GRATWICK, CHAIR
SEN. NED CLAXTON
SEN. MARIANNE MOORE

REP. PATRICIA HYMANSON, CHAIR
REP. MARGARET CRAVEN
REP. ANNE C. PERRY
REP. COLLEEN M. MADIGAN
REP. RACHEL TALBOT ROSS
REP. MICHELE MEYER
REP. HOLLY B. STOVER
REP. BETH A. O'CONNOR
REP. KATHY IRENE JAVNER
REP. ABIGAIL W. GRIFFIN

STATE OF MAINE

129TH 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 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 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

Joint Standing Committee on Health and Human Services

patient to the Commissioner of Health and Human Services; and

3. Directs the Commissioner of Health and Human Services to convene an oversight committee to review the status of forensic patients placed in institutions outside the State to determine if a patient is in the least restrictive environment and receiving adequate care and if the Department of Health and Human Services is actively working on a plan to return the patient to the State and to make recommendations to the commissioner, the head of the institution where the patient is placed, the court of record, a family member designated by the patient and the patient's attorney or, if the patient does not have an attorney, the patient's attorney of record.

Committee Amendment "A" (H-469)

This amendment, which is the unanimous report of the committee:

- 1. Removes the requirement in the bill that the court, before placing a person in an institution outside the State or upon request of the person after being placed outside the State, conduct a hearing;
- 2. Reduces the frequency of required status reports on a forensic patient placed outside the State from quarterly to every six months and requires the report be filed in the Superior Court in the county in which the state institution monitoring the person's placement is located; and
- 3. Replaces the proposed oversight committee of forensic patients in the bill with a committee for the oversight of patient human rights, for patients in state institutions or forensic patients placed outside the State, to review practices that affect, or potentially affect, the civil liberties or other rights of patients; review patient grievances; review reports regarding the placement of forensic patients outside the State and, among other duties, to report concerns and make recommendations to the superintendent of the state institution.

Enacted Law Summary

Public Law 2019, chapter 405 requires status reports on a forensic patient placed outside the State every 6 months and requires the report be filed in the Superior Court in the county in which the state institution monitoring the person's placement is located. It also creates a committee for the oversight of patient human rights, for patients in state institutions or forensic patients placed outside the State, to review practices that affect, or potentially affect, the civil liberties or other rights of patients; review patient grievances; review reports regarding the placement of forensic patients outside the State and, among other duties, to report concerns and make recommendations to the superintendent of the state institution.

LD 1523 An Act To Ensure the Quality of and Increase Access to Recovery Residences

PUBLIC 524

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|------------------------|-------------------------|---------------------------|
| BELLOWS S MADIGAN C | OTP-AM | S-240 S-345 BREEN C |

This bill adds definitions of "person recovering from substance use disorder" and "recovery residence" to the laws governing the substance use disorder programs of the Department of Health and Human Services and directs the department to establish a voluntary certification process for recovery residences. It also directs the Maine State Housing Authority to create a pilot project to provide a short-term rental subsidy to a person recovering from substance use disorder to reside in a certified recovery residence that provides medication-assisted treatment.

This bill also adds "recovery" to "substance use disorder prevention and treatment" in the context of activities and services under the laws addressing alcohol and drug use. The bill also adds an appropriations and allocations section.