

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
129<sup>TH</sup> 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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# STATE OF MAINE

129<sup>TH</sup> LEGISLATURE  
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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 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*

This bill makes the following changes to the laws governing the ombudsman program that provides ombudsman services to the children and families of the State regarding child welfare services provided by the Department of Health and Human Services.

1. It provides that the program is an independent program operated as a nonprofit organization to provide investigative, oversight and advocacy services on a statewide basis.
2. It requires the program to provide oversight of child welfare practice and policy to ensure the rights and safety of children and their families.
3. It specifies staffing for the program.
4. It provides that the Governor appoints the ombudsman, subject to review by the joint standing committee of the Legislature having jurisdiction over health and human services matters and to confirmation by the Legislature.
5. It provides that the ombudsman serves a seven-year term of office.
6. It requires the ombudsman to submit the ombudsman's budget recommendations, using a format prescribed by the State Budget Officer, as part of the unified current services budget legislation.
7. It provides full-time program employees access to health insurance benefits provided to state employees and retirement benefits provided to state employees.
8. It requires the program to provide services directly to individuals and families and authorizes the program to provide systemwide comment to the department and the joint standing committee of the Legislature having jurisdiction over health and human services matters.
9. It requires the department to inform the ombudsman of any statewide policy or practice changes in child welfare before they take effect.
10. It allows the ombudsman to participate in trainings, studies or policy development activities conducted by the department.
11. It requires the ombudsman to be available to provide information about child welfare issues on a statewide basis to individuals and entities outside the department.
12. It authorizes the ombudsman to disclose confidential information, records or case-specific reports to a joint standing committee, joint select committee or oversight committee of the Legislature meeting in executive session.

**LD 1602      Resolve, Establishing the Working Group on Mental Health**

**RESOLVE 100  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BREEN C WARREN C	OTP-AM	S-213 S-310    LIBBY N

This resolve establishes the Working Group on Mental Health to assess the State's capacity to serve Maine citizens with behavioral health needs and propose a comprehensive mental health plan for the State.

**Committee Amendment "A" (S-213)**

This amendment, which is the unanimous report of the committee, changes the membership of the working group.

*Joint Standing Committee on Health and Human Services*

**Senate Amendment "A" To Committee Amendment "A" (S-310)**

This amendment increases from one to two the number of Senators appointed to the working group and increases from one to two the number of members of the House of Representatives appointed to the working group.

**Enacted Law Summary**

Resolve 2019, chapter 100 establishes the Working Group on Mental Health to assess the State's capacity to serve Maine citizens with behavioral health needs and propose a comprehensive mental health plan for the State.

Resolve 2019, chapter 100 was finally passed as an emergency measure effective June 28, 2019.

**LD 1616 An Act To Establish the Vaccine Consumer Protection Program**

**Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'CONNOR B FOLEY R	ONTP OTP-AM	

This bill establishes the Vaccine Consumer Protection Program within the Department of Health and Human Services and describes the activities under the program.

**Committee Amendment "A" (H-405)**

This amendment, which is the minority report of the committee, clarifies the activities of the Vaccine Consumer Protection Office in investigating a death that is suspected to have been caused by the administration of a vaccine. It also requires a health care provider who provides primary care to a child under the age of 18 to provide to the parent, guardian or custodian of the child a form for the parent, guardian or custodian to complete requesting the child's most recent immunization and the date of that immunization and requires the health care provider to remove the personally identifying information of the child from the form and submit it to the Vaccine Consumer Protection Office. The Vaccine Consumer Protection Office is directed to submit a report annually to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding information received on the forms and any trends. The amendment also repeals Public Law 2019, chapter 154, "An Act To Protect Maine Children and Students from Preventable Diseases by Repealing Certain Exemptions from the Laws Governing Immunization Requirements."

The amendment retains the provisions in the bill that establish the Vaccine Consumer Protection Program; establish treatment and administration guidelines for vaccines; specify a health care provider's rights to refuse to administer a vaccine and a patient's right to refuse a vaccine; prohibit incentives to administer vaccines, vaccine administration without a prescription and vaccine prescription by standing order; require an annual report on adverse event reports; provide for religious and medical exemptions; add the vaccine injury table to a provider reference manual; and require health care provider licensing boards to amend their rules to conform to the provisions in the bill, among other provisions. The amendment also adds an appropriations and allocations section.

This amendment was not adopted.

**LD 1630 Resolve, To Ensure Access to Opiate Addiction Treatment**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON S WOODSOME D		