

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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STATE OF MAINE

129TH 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 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 1696 **Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 28: Allowances for Rehabilitative and Community Support Services for Children with Cognitive Impairments and Functional Limitations, a Late-filed Major Substantive Rule of the Department of Health and Human Services**

**RESOLVE 40
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

This resolve provides for legislative review of portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 28: Allowances for Rehabilitative and Community Support Services for Children with Cognitive Impairments and Functional Limitations, 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 40 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 28: Allowances for Rehabilitative and Community Support Services for Children with Cognitive Impairments and Functional Limitations.

Resolve 2019, chapter 40 was finally passed as an emergency measure effective May 30, 2019.

LD 1735 **An Act To Clarify the Pathway for a Registered Dispensary under the Maine Medical Use of Marijuana Act To Become a For-profit Entity**

**PUBLIC 312
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T O'CONNOR B	OTP-AM	S-214

Public Law 2017, chapter 452 authorized registered dispensaries under the Maine Medical Use of Marijuana Act operating as nonprofit entities to become for-profit entities, but did not outline a pathway to follow for such a transaction.

This bill:

1. Specifies the possible pathways of merger, purchase and conversion for such a dispensary to become a for-profit entity;
2. Provides that a registered dispensary operating as a nonprofit entity that reorganizes as a for-profit entity retains its registration certificate;
3. Requires that a registered dispensary that reorganizes as a for-profit entity pay to the Medical Use of Marijuana Fund a percentage of the value of the sale or transfer of interest; and
4. Requires that a registered dispensary that reorganizes as a for-profit entity pay to the Medical Use of Marijuana Fund 2% of gross sales for discounts to certain qualified patients.

Committee Amendment "A" (S-214)

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

Joint Standing Committee on Health and Human Services

1. Provides that the reorganization of a registered dispensary operating as a nonprofit entity to a for-profit entity may be accomplished only by any of the eight registered dispensaries that were issued registration certificates as of April 1, 2018 and that operate as any type of nonprofit entity;
2. Specifies that any exemptions from fiduciary duty and conflicts of interest otherwise required by the law do not apply for the limited purposes required in order for a registered dispensary operating as a nonprofit entity to reorganize as a for-profit entity;
3. Clarifies that the triggering event for a registered dispensary to pay a fine to the Medical Use of Marijuana Fund is only upon the sale or transfer of interest within four years after the reorganization to a for-profit entity and provides that the cost of an appraisal required to determine the value of the sale or transfer of interest must be paid from the Medical Use of Marijuana Fund;
4. Requires a registered dispensary that reorganizes as a for-profit entity or the dispensary's successor in interest to provide discounts in an amount that is not less than 2% of gross sales of the dispensary in the previous year to certain qualifying patients as a condition of registration. The Department of Administrative and Financial Services is required to submit a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2023 regarding the discounts provided. The requirement to provide discounts is repealed July 1, 2023; and
5. Directs the Secretary of State to develop a form for use by registered dispensaries to accomplish the reorganization from a nonprofit to a for-profit entity.

Enacted Law Summary

Public Law 2019, chapter 312:

1. Specifies the possible pathways of merger, purchase and conversion for such a dispensary to become a for-profit entity;
2. Provides that the reorganization of a registered dispensary operating as a nonprofit entity to a for-profit entity may be accomplished only by any of the eight registered dispensaries that were issued registration certificates as of April 1, 2018 and that operate as any type of nonprofit entity;
3. Specifies that any exemptions from fiduciary duty and conflicts of interest otherwise required by the law do not apply for the limited purposes required in order for a registered dispensary operating as a nonprofit entity to reorganize as a for-profit entity;
4. Requires a registered dispensary to pay a fine to the Medical Use of Marijuana Fund upon the sale or transfer of interest within four years after the reorganization to a for-profit entity and provides that the cost of an appraisal required to determine the value of the sale or transfer of interest must be paid from the Medical Use of Marijuana Fund;
5. Requires a registered dispensary that reorganizes as a for-profit entity or the dispensary's successor in interest to provide discounts in an amount that is not less than 2% of gross sales of the dispensary in the previous year to certain qualifying patients as a condition of registration. The Department of Administrative and Financial Services is required to submit a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2023 regarding the discounts provided. The requirement to provide discounts is repealed July 1, 2023; and
6. Directs the Secretary of State to develop a form for use by registered dispensaries to accomplish the reorganization from a nonprofit to a for-profit entity.

Joint Standing Committee on Health and Human Services

Public Law 2019, chapter 312 was enacted as an emergency measure effective June 17, 2019.

LD 1737 An Act Relating to the Retention and Hiring of Mental Health Staff at the Department of Health and Human Services CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T		

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to enact measures designed to promote the hiring and retention of mental health professionals at the Department of Health and Human Services.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

**LD 1738 An Act Regarding Medical Marijuana PUBLIC 354
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY J	OTP-AM	H-545

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to amend the current law regarding medical marijuana.

Committee Amendment "A" (H-545)

This amendment, which is the unanimous report of the committee, replaces the bill, which is a concept draft. The amendment:

1. Adds an emergency preamble and clause to the legislation;
2. Establishes a certification program within the Department of Health and Human Services, Maine Center for Disease Control and Prevention for marijuana testing facilities under the Maine Medical Use of Marijuana Act and testing facilities under the adult use laws;
3. Establishes the Marijuana Testing Facility Certification Fund as an Other Special Revenue Funds account within the Maine Center for Disease Control and Prevention;
4. Requires marijuana testing facilities under the Maine Medical Use of Marijuana Act, like testing facilities under the adult use laws, to be certified by the Maine Center for Disease Control and Prevention; and
5. Adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2019, chapter 354:

1. Establishes a certification program within the Department of Health and Human Services, Maine Center for Disease Control and Prevention for marijuana testing facilities under the Maine Medical Use of Marijuana Act and testing facilities under the adult use laws;