

# 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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## 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

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;

*Joint Standing Committee on Health and Human Services*

- 2. Establishes the Marijuana Testing Facility Certification Fund as an Other Special Revenue Funds account within the Maine Center for Disease Control and Prevention; and
- 3. 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.

Public Law 2019, chapter 354 was enacted as an emergency measure effective June 18, 2019.

**LD 1758    An Act To Clarify and Amend MaineCare Reimbursement Provisions  
for Nursing and Residential Care Facilities**

**HELD BY  
GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T	OTP-AM	S-265 S-368    BREEN C

This bill is emergency legislation amending statutory and unallocated provisions to require the Department of Health and Human Services to amend the department's rules regarding MaineCare reimbursement of nursing facility and residential care facility costs, including:

- 1. Clarifying and requiring additional cost-of-living adjustments to reimbursed costs based upon:
  - A. The costs paid by nursing facilities for goods and services required to provide patient care;
  - B. The forecasted increase in the skilled nursing facility market basket index for the coming federal fiscal year published by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services; and
  - C. Any further changes to the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index medical care services index or market basket index projections over the payment year when the department is carrying out cost report audits and determining final prospective rates pursuant to department rules regarding costs related to resident care under principles of reimbursement for nursing facilities during the payment year;
- 2. Clarifying and amending nursing facility reimbursement provisions enacted in Public Law 2017, chapter 460 regarding a 10% special supplemental wage allowance by:
  - A. Requiring the allowance to include contract labor and requiring an additional 10% wage allowance in state fiscal year 2019-20 and incorporating both requirements into a rebasing of the reimbursement rates in future years;
  - B. Prohibiting department rules that require a nursing facility to ensure or otherwise demonstrate that the increase in rates applies only to wages and benefits;
  - C. Changing the low-cost, high Medicaid facility supplemental payment by removing the low-cost requirement; and
  - D. Providing a supplemental allowance of 60¢ per reimbursed MaineCare resident day for each 1% over 70% MaineCare occupancy to nursing facilities with specialty medical-psychiatric beds or units and to nursing facilities that provide intensive acquired brain injury rehabilitation services; and
- 3. Clarifying and amending residential care facility reimbursement provisions enacted in Public Law 2017, chapter