

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

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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 1816 An Act To Ensure the Safety and Well-being of Infants Affected by Substance Exposure

PUBLIC 342

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

This bill modifies reporting requirements and the Department of Health and Human Services' responsibility for establishment of a plan of safe care to include infants affected by substance use regardless of whether the mother's substance use was legal or illegal. In addition, this bill clarifies provisions regarding withdrawal symptoms so that the infant is no longer required to demonstrate withdrawal symptoms and instead is required to be affected by withdrawal symptoms. This bill also changes the requirement for the safe plan of care to require that service referrals be made not just for a mother but for any caregivers of the infant. These changes reflect changes in the federal Child Abuse Prevention and Treatment Act.

Enacted Law Summary

Public Law 2019, chapter 342 modifies reporting requirements and the Department of Health and Human Services' responsibility for establishment of a plan of safe care to include infants affected by substance use regardless of whether the mother's substance use was legal or illegal. It clarifies provisions regarding withdrawal symptoms so that the infant is no longer required to demonstrate withdrawal symptoms and instead is required to be affected by withdrawal symptoms. The law also changes the requirement for the safe plan of care to require that service referrals be made not just for a mother but for any caregivers of the infant. These changes reflect changes in the federal Child Abuse Prevention and Treatment Act.

LD 1822 An Act To Protect Access to Services for Adults with Serious and Persistent Mental Illness

CARRIED OVER

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

This bill establishes the right of an adult with serious and persistent mental illness who is denied access to certain services by a provider contrary to the terms of the provider's contract with the Department of Health and Human Services to seek informal department review of the provider's action and informal dispute resolution by the department to facilitate access to the service. If the adult continues to be denied access to the mental health service following department review, the adult may bring a private civil action in Superior Court for injunctive relief to enforce the terms of the provider's contract with the department. The bill requires the department to adopt routine technical rules governing the process for informal department review, which must include a definition of "adult with serious and persistent mental illness."

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

LD 1825 An Act To Authorize Limited Disclosure of Cigarette Sales Information To Ensure Continued Receipt of Tobacco Settlement Funds

PUBLIC 381

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN L	OTP-AM	S-268

Joint Standing Committee on Health and Human Services

This bill authorizes the Attorney General to share information received under the laws governing tobacco product manufacturers, other than information received from the Department of Administrative and Financial Services, Bureau of Revenue Services, with courts, arbitrators, data clearinghouses or similar entities for the purpose of assessing compliance with, resolving disputes arising under or making calculations required by the Master Settlement Agreement or agreements resolving disputes arising under the Master Settlement Agreement, and with counsel for the parties or expert witnesses in any such proceeding, if the information otherwise remains confidential.

Committee Amendment "A" (S-268)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2019, chapter 381 authorizes the Attorney General to share information received under the laws governing tobacco product manufacturers, other than information received from the Department of Administrative and Financial Services, Bureau of Revenue Services, with courts, arbitrators, data clearinghouses or similar entities for the purpose of assessing compliance with, resolving disputes arising under or making calculations required by the Master Settlement Agreement or agreements resolving disputes arising under the Master Settlement Agreement, and with counsel for the parties or expert witnesses in any such proceeding, if the information otherwise remains confidential.

LD 1838 Resolve, Requiring the Department of Health and Human Services To Examine Options for Upper Payment Limit Adjustments for MaineCare Services

HELD BY GOVERNOR

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		S-369 BREEN C

This resolve, which was a committee bill, requires the Department of Health and Human Services to examine upper payment limit options to increase the federally approved limits for services provided under MaineCare. The department may contract with any consultant or third-party organization that the department determines appropriate for this purpose. The department may also consult with any stakeholders that the department determines appropriate. The department shall report its findings, actions taken, adjustments to upper payment limits, negotiations with United States Department of Health and Human Services, Centers for Medicare and Medicaid Services and any necessary legislation to the Joint Standing Committee on Health and Human Services no later than January 15, 2020.

Senate Amendment "A" (S-369)

This amendment decreases funding to contract with a third party to examine upper payment limit options to increase federally approved limits for services provided under MaineCare from \$26,000 to \$13,000.

LD 1839 Resolve, To Provide Sustainable Funding for Assisted Living Facilities

CARRIED OVER

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

This emergency resolve, which was a committee bill, includes the recommendations of the sustainable funding review conducted by the Department of Health and Human Services pursuant to Public Law 2017, chapter 460, Part