

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
129<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL AND SECOND REGULAR SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON HEALTH AND  
HUMAN SERVICES**

November 2020

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# STATE OF MAINE

129<sup>TH</sup> 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 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*

**LD 2099    An Act To Amend Provisions of the Maine Medical Use of Marijuana Act**

**CARRIED OVER**

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

This bill makes the following changes to the Maine Medical Use of Marijuana Act.

1. It adds definitions of "batch" and "batch number." It also adds to the definition of "inherently hazardous substance" alcohol and ethanol and amends the definition of "cultivation area" to require such an area to be obscured from public viewing by a person under 21 years of age. It changes the definitions of "seedling" and "immature marijuana plant." It changes the definition of "registered caregiver" to specify that it means a natural person who is a caregiver.
2. It aligns the labeling requirements of the Maine Medical Use of Marijuana Act with the labeling requirements of the Marijuana Legalization Act and provides more specific guidance regarding required labeling.
3. It requires local authorization for caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities operating in towns, plantations and townships in the unorganized and deorganized areas, in addition to local authorization by municipalities already required by law.
4. It authorizes the Department of Administrative and Financial Services to impose upon registered caregivers, caregiver retail stores, dispensaries, manufacturing facilities and persons authorized to engage in marijuana extraction using inherently hazardous substances fines for violations of the Maine Medical Use of Marijuana Act and rules adopted pursuant to the Act. It also establishes maximum allowable fines for minor and major registration violations, including major registration violations affecting public safety.
5. It requires all registered caregivers and assistants of registered caregivers and officers, directors and assistants of registered dispensaries, registered manufacturing facilities, persons authorized to engage in marijuana extraction using inherently hazardous substances and marijuana testing facilities to submit to an annual state and federal criminal history record check in order for the department to issue or renew a registry identification card.
6. It authorizes the department to assess a fee for caregivers registering with the department based upon plant canopy and amends the statutory fee schedule to clarify that caregivers may register based upon plant count or plant canopy. It requires a caregiver to obtain a registration certificate to operate a caregiver retail store and provides that the annual registration fee for a caregiver retail store may not be less than \$50 or more than \$500. It requires a caregiver to notify the department of the physical address of a caregiver retail store. It allows a caregiver to organize the caregiver's business activities as any type of legal business entity recognized under the laws of the State.

This bill, which had been voted but not yet reported out by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2107    An Act To Amend the Nursing Facility Licensing Rules To Enhance Cost of Care Collection**

**CARRIED OVER**

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

***Joint Standing Committee on Health and Human Services***

This bill was reported by the committee pursuant to joint order, H.P. 1489, and then referred back to the committee for processing in the normal course. This bill requires the Department of Health and Human Services to amend its nursing facility rules, Chapter 110: Regulations Governing the Licensing and Functioning of Skilled Nursing Facilities and Nursing Facilities, to modify the standard admission contract for the residents of nursing homes to specifically include a requirement for a resident's legal agent to use the resident's financial resources to pay for nursing facility services and to clarify that a nursing facility seeking relief when a resident's agent fails to perform the agent's obligations may also request attorney's fees and costs. The department is required to amend the rule no later than January 1, 2021.

This bill, which had been voted but not yet been reported out by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2109    An Act To Implement the Recommendations of the Commission To  
Study Long-term Care Workforce Issues**

**CARRIED OVER**

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

This bill was reported out by the committee pursuant to Public Law 2019, chapter 343, Part BBBBB and then referred back to the committee for processing in the normal course. This bill implements the recommendations of the Commission To Study Long-term Care Workforce Issues. The bill does the following.

1. It requires direct care workers across the long-term care spectrum to be paid no less than 125% of the minimum wage. It requires the Department of Health and Human Services to adopt rules that take into account the cost of this increased wage in its reimbursement rates.
2. It requires the Department of Health and Human Services to adopt rules to increase reimbursement rates under Chapter 101: MaineCare Benefits Manual and any state-funded programs to take into account costs of providing care and services in conformity with applicable state and federal laws, rules, regulations, training requirements and quality and safety standards, including, but not limited to, increases in the minimum wage, earned paid leave, electronic visit verification, background checks and other costs that are not provided for in the current reimbursement rates.
3. It establishes a long-term care workforce oversight advisory committee to collect and compile data related to workforce shortages and services provided to clients, review progress by the Department of Health and Human Services regarding recommendations provided to the department and the joint standing committee of the Legislature having jurisdiction over health and human services matters, including the recommendations of the Commission To Study Long-term Care Workforce Issues, identify barriers to implementing recommendations and make recommendations on proposals to address long-term care workforce shortages. The oversight committee must submit an annual report to the joint standing committee of the Legislature having jurisdiction over health and human services matters.

This bill, which had been voted but not yet been reported out by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.