

MAINE STATE LEGISLATURE

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STATE OF MAINE
131ST LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS



Disposition of bills and summaries of all laws enacted or finally passed

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

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**LEGISLATIVE DIGEST OF BILLS AND
SUMMARIES OF ENACTED LAWS**

This *Legislative Digest of Bills and Summaries of Enacted Laws* provides the disposition of all LDs and summaries of all laws enacted or finally passed during the First Regular and First Special Sessions of the 131st Maine Legislature. Please note that all LDs and proposed amendments may be found through the Legislature’s webpage, and each includes a summary of what the bill or amendment proposed.

The *Legislative Digest of Bills and Summaries of Enacted Laws* is arranged alphabetically by committee. Within each committee section is a subject index of all LDs considered by that committee as well as a digest of the LDs, arranged by LD number. Also included are enacted law summaries of the LDs enacted or finally passed. Brief analyst notes on certain LDs are also included: a committee digest will indicate if additional notes are provided for an LD. These notes add information staff found useful and may provide useful information to users of this *Digest*; please note that most LDs do not have a note and lack of a note should not be interpreted as having any significance. A separate section of the *Digest* provides a digest of the relatively few LDs that were not referred to a committee or reported from a committee as a committee bill; enacted law summaries of the LDs enacted or finally passed are provided. Finally, an appendix provides a summary of relevant session statistics.

The final disposition of each LD is noted in the relevant summary digest and index. 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 and First Special Sessions of the 131st Legislature is Thursday, June 29, 2023 and Wednesday, October 25, 2023, respectively. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

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LD 432 An Act to Clarify MaineCare Program Requirements Regarding Certain High-risk Health Care Providers

ENACTED LAW SUMMARY

Public Law 2023, chapter 432 clarifies the MaineCare program requirements with regard to certain high-risk providers. It also requires a person with a certain level of ownership interest in a high-risk provider to submit to a fingerprint-based criminal history record background check.

LD 446 Resolve, to Update Allowable Limits on Mortuary Trusts for the Purposes of MaineCare Eligibility

ENACTED LAW SUMMARY

Resolve 2023, chapter 34 requires the Department of Health and Human Services to amend its MaineCare rules to increase the amount of a prepaid burial contract, also known as a mortuary trust, unavailable for use as an asset in determining eligibility for MaineCare from \$12,000 to \$18,000 and increase that amount yearly by the same percentage as the percentage increase in the Consumer Price Index for the preceding year.

LD 449 An Act to Authorize the Department of Health and Human Services to License Home-based and Community-based Services for Persons with an Intellectual Disability, Autism Spectrum Disorder or a Related Condition or an Acquired Brain Injury and Define Autism Spectrum Disorder

ENACTED LAW SUMMARY

Public Law 2023, chapter 89 requires a licensing scheme for certain firms, associations, corporations or nonprofit organizations, including residential care facilities, that provide services to an adult with an intellectual disability, autism spectrum disorder, a related condition or an acquired brain injury and specifies that residential care facilities are not required to use the standard contract for those services. It replaces the definition of "autism" with a definition of "autism spectrum disorder" or "autism." It clarifies that the State's share of MaineCare reimbursements is a factor in determining whether or not certain residential care facilities must obtain a license. It also expands the services and programs that the Commissioner of Health and Human Services is authorized to provide and help finance.

LD 451 An Act to Ensure Transparent and Accountable Temporary Nurse Agencies

ENACTED LAW SUMMARY

Public Law 2023, chapter 434 makes the following changes to the law related to temporary nurse agencies.

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1. It requires temporary nurse agencies to renew registration annually and to update the registration if a temporary nurse agency changes ownership, operation or location.
2. It makes changes to the definition of "temporary nurse agency," including that home health care services providers are not included in the definition.
3. It increases the cost of registration for a temporary nurse agency from \$25 to \$1,000.
4. It repeals the exception to the registration requirement for home health care services providers and temporary nurses not affiliated with an agency.
5. It requires that temporary nurse agencies ensure that each employee it refers to a provider for a position meets the state and federal qualification requirements for that position, and maintains records to that effect.
6. It prohibits agencies from requiring employees to recruit other employees.
7. It requires temporary nurse agencies to submit an annual report to the Department of Health and Human Services, which is then required to submit a summary report to the Joint Standing Committee on Health and Human Services.
8. It allows the Department of Health and Human Services to impose a fine for failure of a temporary nurse agency to provide required documentation or to submit annual reports.
9. It makes violation of the requirements relating to temporary nurse agencies a violation of the Maine Unfair Trade Practices Act.

LD 465 An Act to Provide for an Electronic Permit for the Disposition of Human Remains

ENACTED LAW SUMMARY

Public Law 2023, chapter 67 authorizes a funeral director or authorized person present at a burial or crematory in this State to electronically affirm the disposition of human remains.

LD 474 An Act to Improve Collaboration Between Mandatory Reporters and Law Enforcement in the Investigation of Alleged Child Abuse and Neglect

ENACTED LAW SUMMARY

Public Law 2023, chapter 146 requires that a member of the staff of a public or private medical institution, agency or facility or person in charge of the institution, agency or facility or the designated agent who made a mandated report disclose the same information the member or person reported to the Department of Health and Human Services to a law enforcement officer upon