

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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**

October 2023

STAFF:

ANNA BROOME, PRINCIPAL ANALYST
SAMUEL SENFT, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
<http://legislature.maine.gov/opla>

MEMBERS:

SEN. JOSEPH BALDACCI, CHAIR
SEN. HENRY INGWERSEN
SEN. MARIANNE MOORE

REP. MICHELE MEYER, CHAIR
REP. COLLEEN M. MADIGAN
REP. MARGARET CRAVEN
REP. SAMUEL LEWIS ZAGER
REP. DANIEL JOSEPH SHAGOURY
REP. ANNE P. GRAHAM
REP. KATHY IRENE JAVNER
REP. ABIGAIL W. GRIFFIN
REP. MICHAEL H. LEMELIN
REP. ANN FREDERICKS

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



**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.

JOINT STANDING COMMITTEE ON HEALTH AND HUMAN SERVICES

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

JOINT STANDING COMMITTEE ON HEALTH AND HUMAN SERVICES

request of the law enforcement officer. It also provides immunity for a person who made a report of suspected abuse or neglect who is participating in good faith in a law enforcement investigation or criminal justice proceeding relating to suspected abuse or neglect.

LD 475 An Act to Simplify and Clarify the Licensing of Assisted Housing Facilities

ENACTED LAW SUMMARY

Public Law 2023, chapter 176 replaces the term "assisted housing program" with the term "assisted housing facility" and replaces the term "assisted living program" with the term "assisted living facility." It amends the definition of "assisted housing services" to include medication management and nursing services and removes those services from the definition of "assisted living services." It amends the definition of "residential care facility" to clarify which licensed entities are excluded from the definition.

The law provides that the term of the license for an assisted housing facility is two years and clarifies the manner in which independent housing with services programs are funded. The law also provides that an applicant for an assisted living facility or residential care facility license may not receive more than one license at the same license level for services offered in the same location maintained wholly or in part for the purpose of providing assisted living services or residential care services. It provides that an assisted living facility or residential care facility that, beginning on October 1, 2023, holds more than one license at the same license level for services offered in the same location maintained wholly or in part for the purpose of providing services is exempt from this prohibition. The department may continue to issue such applicants more than one license at the same license level if all other licensure requirements are met.

LD 479 An Act to Amend the Laws Governing the Membership of the Palliative Care and Quality of Life Interdisciplinary Advisory Council

ENACTED LAW SUMMARY

Public Law 2023, chapter 78 amends the law governing the membership of the Palliative Care and Quality of Life Interdisciplinary Advisory Council to add a member who is receiving palliative care or is the primary caregiver of a person receiving palliative care.

LD 490 An Act to Designate the Department of Health and Human Services as the Implementing Department of the Lead-safe Housing Registry

ENACTED LAW SUMMARY

Public Law 2023, chapter 147 replaces the Department of Environmental Protection with the Department of Health and Human Services as the agency responsible for implementing the registry of leased lead-safe residential dwellings.