

**Bills of Interest**

**POSITIONS:** NFNA (Neither For Nor Against), Oppose, Support, Monitor

**STATUS:** The following are typically used in reporting the status of a bill.

PH – Public Hearing

WS – Work Session

OTP – Ought To Pass

OTP-AM – Ought To Pass as Amended

ONTP – Ought Not To Pass

Tabled – To delay action

Divided – Committee members disagree on a recommended action and multiple reports are submitted for the Legislature to consider.

**NOTE:** The full text for all bills can be found at: <http://www.mainelegislature.org/legis/bills/> or you may click on the LD or direct link below.

**LD 180**

***An Act To Allow Terminally Ill Patients To Choose To Use Experimental Treatments***

**Sponsor:** Representative Thomas Longstaff

**Committee:** Health and Human Services (Cross Building/Rm 209)

**Summary:** This bill authorizes manufacturers of drugs, biological products and devices that have completed Phase I of a United States Food and Drug Administration-approved clinical trial but have not yet been approved for general use and remain under clinical investigation to make them available to eligible terminally ill patients. The bill does not require health insurers to provide coverage for the cost of such a drug, biological product or device but authorizes insurers to provide such coverage. The bill prohibits licensing boards from revoking, refusing to renew or suspending the license of or taking any other action against a health care practitioner based solely on the practitioner's recommendation to an eligible patient regarding access to or treatment with such a drug, biological product or device. It prohibits any official, employee or agent of the State from blocking or attempting to block access by an eligible patient to such a drug, biological product or device.

**Position:** NFNA

**Status:** Public Law, Chapter 418

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP0138&item=1&snum=127>

**LD 249**

***An Act To Enable Seniors To Remain in Their Homes***

**Sponsor:** Senator Thomas Saviello

**Committee:** Labor, Commerce, Research and Economic Development (Cross/Rm 208)

**Summary:** This bill establishes the Home Weatherization and Repair for Seniors Program in the Department of Economic and Community Development to assist low-income seniors in remaining in their homes. It also establishes the Home Weatherization and Repair for Seniors Fund and appropriates money to the fund. The department is required to disburse money from the fund to a statewide network that provides weatherization and home repair services, including but not limited to repairs to meet the standards of the federal Americans with Disabilities Act of 1990, to replace substandard fixtures and hardware and to reduce ongoing maintenance and heating costs, to low-income residents of the State.

**Position:** NFNA

**Status:** Died On Adjournment, Apr 29, 2016

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=SP0087&item=1&snum=127>

**LD 552**

***An Act To Provide Funding for Home Visiting Services***

**Sponsor:** Representative Maker

**Committee:** Health and Human Services (Cross Building/Rm 209)

**Summary:** This bill appropriates funds to the Department of Health and Human Services for home visiting services to provide essential child development education and skill development for new parents, which have been shown to reduce child abuse and neglect and to identify and address domestic violence.

**Position:** Monitor

**Status:** Died On Adjournment, Apr 29, 2016

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP0376&item=1&snum=127>

**LD 726**

***An Act To Increase Patient Safety in Maine's Medical Marijuana Program***

**Sponsor:** Senator Saviello

**Committee:** Health and Human Services (Cross Building/Rm 209)

**Summary:** This bill amends the Maine Medical Use of Marijuana Act in the following ways:

1. It increases the amount of excess prepared marijuana a registered primary caregiver may transfer for reasonable compensation in a calendar year from 2 pounds to 5 pounds;
2. It specifies that, like registered dispensaries, a primary caregiver's cultivation facility is subject to reasonable inspection by the Department of Health and Human Services at any time, without prior notice;

3. It requires the Department of Health and Human Services to adopt routine technical rules governing the manner in which the department considers an application for and a renewal of a registry identification card for a primary caregiver;
4. It clarifies that the information provided by the Department of Health and Human Services to the Department of Administrative and Financial Services, Bureau of Revenue Services may be used by the bureau to determine whether an applicant for a license or renewal of a license as a registered dispensary has complied with the tax laws; and
5. It specifies that the Medical Use of Marijuana Fund may be used by the Department of Health and Human Services for enforcement purposes that are primarily for the protection of public health and safety and for investigations.

**Position:** Monitor

**Status:** Public Law, Chapter 475

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=SP0256&item=1&snum=127>

**LD 886**

***Resolve, Directing the Department of Health and Human Services To Increase Reimbursement Rates for Home-based and Community-based Services***

**Sponsor:** Representative Espling

**Committee:** Health and Human Services

**Summary:** This resolve directs the Department of Health and Human Services to increase the reimbursement rates for home-based and community-based services by January 15, 2016.

**Position:** Support

**Status:** Resolve, Chapter 83

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP0605&item=1&snum=127>

**LD 949**

***An Act To Enact the Recommendations of the Commission on Independent Living and Disability***

**Sponsor:** Representative McClellan

**Committee:** Health and Human Services

**Summary:** This bill includes the final recommendations of the Commission on Independent Living and Disability and does the following.

1. Part A replaces the requirement in current law for biennial plans for regional transit with a requirement for quinquennial plans, which is consistent with federal requirements. It eliminates the Interagency Transportation Coordinating Committee and replaces it with a new public transit advisory council. It also specifies the role of the council and requires reporting every 2 years. It requires the Department of Health and Human Services to convene a work group to develop a statewide transportation voucher program for persons with disabilities.

2. Part B adds new transition planning requirements for students with disabilities to include team meetings that must begin at 14 years of age with community partners, community service providers, the students and their families, the division of vocational rehabilitation within the Department of Labor, Bureau of Rehabilitation Services and the agency that is designated by the Governor to serve as the protection and advocacy agency for persons with disabilities. It requires that the transition planning include independent living assessments for the students. For students who receive services from the Department of Health and Human Services, Office of Child and Family Services, it requires the school administrative unit to work in consultation with the division of vocational rehabilitation within the Department of Labor, Bureau of Rehabilitation Services to include postsecondary preparation strategies for the students during transition planning.

3. Part C requires the Statewide Independent Living Council to provide an annual report to the Legislature on the State's strategic planning efforts to increase opportunities for persons with disabilities to live independently within the community. It also requires the Commissioner of Labor to provide an annual report to the Legislature on the State's efforts to improve vocational rehabilitation outcomes and reduce the length of time it takes the department to enter into an individualized plan of employment with individuals eligible to receive rehabilitation services.

4. Part D amends the Maine Human Rights Act to require an on-site inspection by a representative of the Office of the State Fire Marshal to ensure that new public buildings and certain buildings to which the public has access are constructed in compliance with the Maine Human Rights Act. It also requires the Technical Building Codes and Standards Board to adopt the most recent federal Americans with Disabilities Act of 1990 accessibility guidelines as published by the International Code Council. It also authorizes the agency that is designated by the Governor to serve as the protection and advocacy agency for persons with disabilities in Maine to bring a civil action in Superior Court for violations of the Maine Human Rights Act regarding public accommodations and allows the agency to receive reasonable attorney's fees and costs.

5. Part E requires a housing authority to post all rental housing vacancies that are readily accessible to and usable by persons with disabilities on the Maine State Housing Authority's publicly accessible rental housing listing service website.

6. Part F requires the Department of Health and Human Services to amend the federally approved Medicaid state plan to include and broaden coverage for assistive technology without the restrictions currently applied to telehealth; cover assistive technology within all Department of Health and Human Services waivers; include telemedicine; broaden telehealth use; and broaden telehealth home-based care.

**Position:** Monitor

**Status:** Public Law, Chapter 452

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP0652&item=1&snum=127>

***An Act To Improve Workplace Safety by Simplifying and Improving Employers' Substance Abuse Policy Requirements***

**Sponsor:** Representative Stetkis

**Committee:** Committee on Labor, Commerce, Research and Economic Development

**Summary:** This bill makes the following changes to the laws governing employment practices concerning substance abuse testing.

1. It specifies that employers may establish policies or rules related to the possession or use of substances of abuse by employees and for employee impairment by substances of abuse at the workplace.
2. It repeals a section of law that addresses nuclear power plants since there are no operating nuclear power plants in this State.
3. It authorizes an employer that has employees subject to a federally mandated substance abuse testing program to extend its federal drug testing activities to its entire workforce in order to maintain a single testing program and specifies that the employer must maintain the privacy protections that Maine statute affords all other Maine employees.
4. Current law prohibits a single work-related accident from forming the basis of probable cause to believe that an employee may be under the influence of a substance of abuse. This bill amends the law to provide that a single work-related accident that results in injury or significant property damage may be probable cause to suspect an employee is under the influence of a substance of abuse.
5. It eliminates the current requirement that, prior to establishing a substance abuse testing program, an employer with over 20 full-time employees have a functioning employee assistance program.
6. It directs the Commissioner of Labor to develop model policy templates with adequate flexibility so as to facilitate the ability of the employers' substance abuse testing programs and policies to meet the requirements of the Maine Revised Statutes, Title 26, chapter 7, subchapter 3-A to develop new policies or update existing policies.
7. It expands the number of establishments that can undertake companywide random substance abuse testing from those with 50 or more employees to those with 10 or more employees.
8. The bill eliminates the requirement that employers share an employee's rehabilitation costs not covered by group health insurance and clarifies that rehabilitation costs not covered by a group health insurance program are the responsibility of the employee.
9. It specifies that testing at the point of collection of saliva or urine is permissible for both applicants for employment and for employees.

**Position:** Monitor

**Status:** Died Between Houses, Apr 11, 2016

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP0937&item=1&snum=127>

**LD 1465**

***An Act To Require the State To Adequately Pay for Emergency Medical Services***

**Sponsor:** Representative Lajoie of Lewiston

**Committee:** Health and Human Services

**Summary:** This bill changes the law to ensure that MaineCare reimbursement for ambulance services is not less than the average Medicare allowable rate.

**Position:** Monitor

**Status:** Resolve, Chapter 87

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP1006&item=1&snum=127>

**LD 1491**

***An Act To Allow Trained, Nonmedical Employees in Schools To Administer Emergency Medications***

**Sponsor:** Representative Chenette of Saco

**Committee:** Education and Cultural Affairs

**Summary:** This bill authorizes a school administrative unit to participate in a program to allow nonmedical employees to volunteer to be trained to provide emergency medication to students upon request by a parent or guardian.

**Position:** Monitor

**Status:** Ought Not to Pass Pursuant To Joint Rule 310, Feb 18, 2016

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP1014&item=1&snum=127>

**LD 1527**

***An Act To Facilitate MaineCare Assisted Living by Providing a Cost-of-living Adjustment to Private Nonmedical Institutions and Adult Family Care Homes***

**Sponsor:** Senator Burns of Washington

**Committee:** Health and Human Services

**Summary:** This bill provides funds to give adult family care homes, residential care facilities and Appendix C private nonmedical institutions a 4% cost-of-living rate increase in funding in the fiscal year beginning July 1, 2016. Annual cost-of-living adjustments are to be provided by rule for each fiscal year thereafter in accordance with the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index medical care services index.

**Position:** Monitor

**Status:** Died On Adjournment, Apr 29, 2016

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=SP0589&item=1&snum=127>

**LD 1533**

***An Act To Provide an Annual Cost-of-living Adjustment to Nursing Facilities To Further Implement the Recommendations of the Commission To Study Long-term Care Facilities***

**Sponsor:** Senator Burns of Washington

**Committee:** Health and Human Services

**Summary:** This bill provides funds to provide an annual cost-of-living adjustment to nursing facilities under the MaineCare program.

**Position:** Monitor

**Status:** Died On Adjournment, Apr 29, 2016

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=SP0595&item=1&snum=127>

**LD 1542**

***An Act To Encourage Maine Employers To Offer and Employees To Enroll in Disability Income Protection Plans in the Workplace***

**Sponsor:** Representative Beck of Waterville

**Committee:** Committee on Insurance and Financial Services

**Summary:** This bill authorizes an employer to provide its employees a group disability income protection plan, which is a group policy instituted by an employer that provides income benefits to an employee who is unable to work for an extended period of time because of sickness or an accident. The group disability income protection plan may be either a short-term plan offering at least 6 months of benefits or a long-term plan offering at least 24 months of benefits. The premium paid by an employee for participation in an employer-sponsored group disability income protection plan is considered a premium that the employee has agreed to pay, as long as certain conditions are met.

An employer is entitled to a tax credit of \$50 for each employee enrolled in a group disability income protection plan after January 1, 2017. The credit may be taken by an employer for no more than 5 years.

**Position:** Monitor

**Status:** Public Law, Chapter 490

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP1051&item=1&snum=127>

**LD 1553**

***An Act To Improve the Workers' Compensation System Committee on Labor, Commerce, Research and Economic Development Sen Cushing Penobscot***

**Sponsor:** Senator Cushing of Penobscot

**Committee:** Committee on Labor, Commerce, Research and Economic Development

**Summary:** This bill makes the following changes to the Maine Workers' Compensation Act of 1992:

1. It transfers the predetermination of independent contractor status process to the Department of Professional and Financial Regulation, Bureau of Insurance.
2. It establishes that rebuttable presumptions granted as a result of a request for a predetermination are admissible only in proceedings arising under the Maine Revised Statutes, Title 24-A. Conclusive predeterminations received by landowners continue to be admissible in proceedings under the Maine Workers' Compensation Act of 1992.
3. It modifies the law after the Law Court's decision in Workers' Compensation Board Abuse Investigation Unit v. Nate Holyoke Builders, Inc., et al., 2015 ME 99 and ensures employers that misclassify employees as independent contractors are subject to penalties under the Maine Workers' Compensation Act of 1992.
4. It increases the Workers' Compensation Board's assessment cap starting in fiscal year 2016-17.
5. It establishes that appeals to the Law Court from the Workers' Compensation Board are from decisions of the Workers' Compensation Board's Appellate Division and not an individual administrative law judge.

**Position:** Monitor

**Status:** Public Law, Chapter 469

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=SP0608&item=1&snum=127>

#### LD 1556

*Resolve, Regarding Legislative Review of Portions of Chapter 40: Rule for Medication Administration in Maine Schools, a Major Substantive Rule of the Department of Education*

**Sponsor:** Representative Kornfield of Bangor

**Committee:** Committee on Education and Cultural Affairs

**Summary:** This resolve provides for legislative review of portions of Chapter 40: Rule for Medication Administration in Maine Schools, a major substantive rule of the Department of Education.

**Position:** Monitor

**Status:** Resolve, Chapter 65

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP1059&item=1&snum=127>

#### LD 1583

*An Act To Provide for Tax Conformity and Funding Methods*

**Sponsor:** AFA Committee

**Committee:** Committee on Appropriations and Financial Affairs

**Summary:** This bill is presented pursuant to Joint Order 2016, S.P. 630, which authorizes the Joint Standing Committee on Appropriations and Financial Affairs to report out a bill regarding tax conformity including funding. It provides conformity with the United States Internal Revenue Code of 1986 but only for tax years beginning in 2015.



**Position:** Monitor

**Status:** Public Law, Chapter 388

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=SP0633&item=1&snum=127>

**LD 1606**

***An Act To Provide Funding to the Maine Budget Stabilization Fund***

**Sponsor:** Senator Hamper of Oxford (GOVERNOR'S BILL)

**Committee:** Committee on Appropriations and Financial Affairs

**Summary:** This bill requires the transfer of \$67,292,995 in fiscal year 2015-16 and \$5,389,377 in fiscal year 2016-17 from the unappropriated surplus of the General Fund to the Maine Budget Stabilization Fund.

**Position:** NFNA

**Status:** Public Law, Chapter 481

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=SP0633&item=1&snum=127>

**LD 1615**

***Resolve, To Establish the Commission To Continue the Study of Difficult-to-place Patients***

**Sponsor:** Senator Brakey of Androscoggin

**Committee:** Committee on Health and Human Services

**Summary:** This bill requires the transfer of \$67,292,995 in fiscal year 2015-16 and \$5,389,377 in fiscal year 2016-17 from the unappropriated surplus of the General Fund to the Maine Budget Stabilization Fund.

**Position:** Monitor

**Status:** Died On Adjournment, Apr 29, 2016

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=SP0653&item=1&snum=127>

**LD 1617**

***An Act Regarding the Long-term Care Ombudsman Program***

**Sponsor:** Senator Brakey of Androscoggin

**Committee:** Committee on Health and Human Services

**Summary:** This bill, which is a recommendation of the Commission To Study Difficult-to-place Patients, amends the law governing the long-term care ombudsman program to clarify that the long-term care ombudsman has the authority to act as a resource during the hospital discharge process to assist patients with complex medical needs who experience significant barriers to admission in a residential care facility, nursing facility or assisted living facility or program. It also provides funds to allow the program to contract for 2 new full-time positions within the program.

**Position:** Monitor

**Status:** Public Law, Chapter 506

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=SP0633&item=1&snum=127>

**LD 1619**

***Resolve, Regarding Home Care Service Rates for Serving Persons with Complex Medical Needs***

**Sponsor:** Senator Brakey of Androscoggin

**Committee:** Committee on Health and Human Services

**Summary:** This resolve includes recommendations of the Commission to Study Difficult-to-place Patients. It requires the Department of Health and Human Services' office of aging and disability services to implement a demonstration project that will provide enhanced rates for home care services, with participation limited to patients with complex medical needs who are enrolled in the Maine "Homeward Bound" program, which is funded by the federal Centers for Medicaid and Medicare Services. The Department of Health and Human Services' office of aging and disability services is directed to submit a report, no later than January 15, 2018, to the joint standing committee of the Legislature having jurisdiction over health and human services matters detailing its findings and any recommendations regarding the provision of enhanced rates for home care services.

The resolve also requires the Department of Health and Human Services' quality assurance review committee to conduct a review of the adequacy of home care services provided to individuals with complex needs under Chapter 101: MaineCare Benefits Manual, Chapters II and III, Section 19, Home and Community Benefits for the Elderly and Adults with Disabilities. The Department of Health and Human Services is directed to submit a report, no later than January 15, 2017, to the joint standing committee of the Legislature having jurisdiction over health and human services matters detailing the quality assurance review committee's findings and any recommendations for legislation regarding the adequacy of home care services provided under Section 19.

The joint standing committee of the legislature having jurisdiction over health and human services matters is authorized to report out legislation pursuant to both of the reports submitted pursuant to this legislation.

**Position:** Monitor

**Status:** Died Between Houses, Mar 28, 2016

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=SP0633&item=1&snum=127>

**LD 1638**

***An Act To Increase Payments to MaineCare Providers That Are Subject to Maine's Service Provider Tax***

**Sponsor:** Representative Malaby of Hancock

**Committee:** Committee on Health and Human Services

**Summary:** This bill provides for an increase in reimbursement rates to eligible MaineCare providers who are subject to the service provider tax.

**Position:** Monitor

**Status:** Public Law, Chapter 477

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP1115&item=1&snum=127>

**LD 1644**

*Resolve, Establishing the Commission To Study Ways To Support and Strengthen the Direct Care Workforce across the Long-term Care Continuum*

**Sponsor:** Speaker Eves of North Berwick

**Committee:** Committee on Health and Human Services

**Summary:** This resolve establishes the Commission To Study Ways To Support and Strengthen the Direct Care Workforce across the Long-term Care Continuum. The commission is required to study current challenges to recruiting and retaining direct care workers and recommend ways to support and strengthen that workforce across the long-term care continuum. The commission must submit its report, including suggested legislation, to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than December 2, 2016. The committee may report out legislation to the First Regular Session of the 128th Legislature.

**Position:** Support

**Status:** Died On Adjournment, Apr 29, 2016

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP1119&item=1&snum=127>

**LD 1646**

*An Act To Prevent Opiate Abuse by Strengthening the Controlled Substances Prescription Monitoring Program*

**Sponsor:** Senator Cushing of Penobscot

**Committee:** Committee on Health and Human Services

**Summary:** This bill makes the following changes to the laws governing the Controlled Substances Prescription Monitoring Program and the prescribing and dispensing of opioids and other drugs (see bill).

**Position:** NFNA

**Status:** Public Law, Chapter 488

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=SP0671&item=1&snum=127>