

Maine Counseling Association – Public Policy Update
128th Legislature July, 2017
Ben Milster

Bills of interest:

LD 43 - Resolve, To Establish the Task Force To Study Higher Education Attainment and Completion Goals.

SUMMARY

This resolve establishes the Task Force To Study Higher Education Attainment and Completion Goals. The task force membership consists of Legislators, representatives of quasi-governmental and business entities, state agency commissioners and one member of the public. The task force's duties include examination and review in the areas of college completion, statewide postsecondary education attainment goals and metrics, college affordability and completion initiatives and college and university support of state policies and strategies to enable college completion and support workforce development. The task force is required to submit a report containing its findings and recommendations, including any necessary implementing legislation, to the Joint Standing Committee on Education and Cultural Affairs by December 15, 2017.

Public hearing was January 27. Work sessions were scheduled for February 2 and 27, but were tabled.

Placed in Legislative Files 4/25/17 (Dead)

LD 94 - An Act To Provide a Source of Funding for Drug Abuse Resistance Education

SUMMARY

This bill requires that the funds generated by forfeited firearms that are auctioned to federally licensed firearms dealers or the public be used to fund educational programs taught by law enforcement officers that target prevention of substance abuse, violence or high-risk behavior and teach students good decision-making skills to help them lead safe and healthy lives. These educational programs are known as the Drug Abuse Resistance Education program.

Public hearing was held February 6.

Work session was March 6. Divided report (Committee on Criminal Justice and Public Safety)

Ought Not to Pass was voted and accepted May 2nd and 4th. Placed in Legislative Files (Dead)

LD 95 - An Act To Provide a Method for a Student To Be Excused from Standardized Testing

SUMMARY

This bill requires a school administrative unit to excuse a student from a standardized assessment at the written request of the student's parent or guardian and establishes requirements for school administrative units and the Department of Education related to excusing a student.

Public hearing was February 6.

Work session was held March 16. March 17 voted as Ought Not To Pass (Committee on Education and Cultural Affairs)

Placed in legislative Files 3/23/17 (Dead)

LD 105 - An Act To Create a Centralized Authority To Combat Opiate Addiction in Maine

SUMMARY

This bill establishes an office within the Department of Health and Human Services to coordinate efforts in the State to combat addiction to opiates.

The Bill was referred to the Committee on State and Local Government on 4/6/17.

LD 107 - An Act To Increase the Effectiveness of Opioid Addiction Therapy

SUMMARY

This bill repeals the 24-month limit on MaineCare coverage or reimbursement for buprenorphine and naloxone combination drugs, also known as Suboxone, for the treatment of addiction to opioids.

Referred to Committee on State and Local Government on Apr 6, 2017.

Placed in Legislative Files 5/18/17 (Dead)

LD 169 - An Act To Support Sexual Assault Survivors

SUMMARY

This bill enacts protections for alleged victims of gross sexual assault that mirror protections provided in federal law. The bill contains the following provisions. 1. The bill requires a prosecutor or law enforcement agency to provide written information to an alleged victim concerning the right to undergo a forensic examination and the right to receive the results and any report resulting from a forensic examination unless disclosure to the alleged victim could impede or compromise an ongoing investigation or an ongoing prosecution. 2. The bill requires the prosecutor or law enforcement agency that has custody of the results and any report to retain the results and any report without charge until the expiration of the period of the statute of limitations. The bill requires the prosecutor or law enforcement agency, at least 60 days prior to destroying or disposing of the results and report, to provide notice of the intended destruction or disposal to the victim and allows for further retention upon the objection of the victim. The bill provides for routine technical rulemaking by the Chief of the State Police regarding retention and destruction or disposal of the results and any report.

Public hearing was held March 1.

Work session held on March 8. Voted Ought Not To Pass March 8, reported out ONTP March 10. (Committee on Criminal Justice and Public Safety)

Placed in Legislative Files 3/16/17 (Dead)

LD 180 - An Act To Enhance Higher Education in Maine through the Creation of a Unified Board of Higher Education

SUMMARY

This bill replaces the Board of Trustees of the University of Maine System, the Board of Trustees of the Maine Community College System and the Board of Trustees of the Maine Maritime Academy with the Board of Trustees of Higher Education to provide a unified body for the governance of those institutions. Part A makes changes to the law to replace some select references to the individual boards of trustees with references to the unified board and enacts a new chapter in the Maine Revised Statutes, Title 20-A with provisions that establish the new unified board. Part B establishes a transition team to recommend further changes to the law to fully accomplish the transition to the unified board. The transition team will recommend specific changes to determine the qualifications of trustees and the powers and duties of the unified board in a report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs. The report of the transition team must also recommend changes to the administration or organization of and the existing law governing the University of Maine System, the Maine Maritime Academy and the Maine Community College System to ensure the efficient operation under the unified board and to avoid any potential conflicts with the law establishing the unified board. The joint standing committee is authorized to submit a bill to the Second Regular Session of the 128th Legislature based upon the report.

**Public hearing was held March 8 at 9:00 am. Work session held March 29. Voted ONTP on March 29 (Committee on Education and Cultural Affairs)
Placed in legislative Files 4/4/17 (Dead)**

LD 186 - An Act To Improve Peer Support Services

CONCEPT DRAFT

SUMMARY

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to improve peer support services provided to consumers of mental health services who are clients of the Department of Health and Human Services.

**Public hearing scheduled for April 20 at 1:00 pm
Work Session was held and tabled - Moved to Carry Over (5/12/17)**

LD 228 - An Act To Amend the Mathematics Requirements for High School Graduation
SUMMARY

This bill prohibits requiring the secondary course of study in schools from including an advanced algebra course and prohibits requiring students to achieve proficiency in advanced algebra. The bill requires the Commissioner of Education to amend the rules by the beginning of the 2018-2019 school year requiring students to complete an advanced algebra course.

Public hearing scheduled for April 20 at 1:00 pm

Work Session was held and tabled - Moved to Carry Over (5/12/17)

LD 322 - An Act To Reintroduce Civics to High School Graduation Requirements
SUMMARY

This bill requires secondary schools to provide instruction in civics as part of the requirements for graduation.

Public hearing was February 16.

Work session was held March 7. Voted Ought Not To Pass March 7. Reported out as ONTP March 10. (Committee on Education and Cultural Affairs)

Placed in legislative files 3/16/17 (Dead)

LD 356 - An Act To Repeal Certain Requirements for Graduation from Secondary School
SUMMARY

Under current law, in order to award to a student a diploma indicating graduation from secondary school, a school must certify that the student has demonstrated proficiency in each of the guiding principles set forth in rules adopted by the Department of Education. In accordance with rules adopted by the department, the guiding principles are measured using rubrics that assess and grade a student's proficiencies in being a clear and effective communicator, a self-directed and lifelong learner, a creative and practical problem solver, a responsible and involved citizen and an integrative and informed thinker. This bill repeals this requirement.

Public hearing was held February 27.

Work session was held for March 21 at 1:00 pm.

Voted on March 21 - Divided report (Committee on Education and Cultural Affairs)

Placed in Legislative files 5/4/17 (Dead)

LD 384 - An Act To Strengthen Maine Children's Mental Health

CONCEPT DRAFT

SUMMARY

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to require MaineCare to cover mental health treatment for a child that uses evidence-based practices, to include meetings with the parent of the child without the child present as long as the meetings are focused on the goals of the treatment.

Public hearing was held April 7 at 1:00 pm

Work Session held and tabled - Moved to Carry Over (5/12/17)

LD 412 - An Act To Require the Completion of Courses of Study in Home Economics and Industrial Arts Education Prior to Graduation from High School

SUMMARY

This bill adds home economics and industrial arts to the list of courses required for a high school diploma and adds home economics and industrial arts to the areas of essential instruction in the system of learning results.

Public hearing was February 27.

Work session was held March 21 at 1:00 pm.

Voted on March 21 - Divided report (Committee on Education and Cultural Affairs)

Voted on again March 22 as ONTP/OTP as Amended.

Amendment:

SUMMARY

This amendment replaces the bill with a resolve. This amendment, which is the minority report of the committee, directs the Department of Education to work with the Maine Afterschool Network to create a working group consisting of members of the Maine Afterschool Network and representatives of interested business entities to design and develop after-school programs that schools can adopt to meet the interests and needs of students. The department is directed to report by January 15, 2018 to the Joint Standing Committee on Education and Cultural Affairs on the progress of the working group along with any recommendations to promote the success of the effort to design and 2 develop after-school programs.

***Passed by House and Senate on May 25 and 24, Vetoed by Governor on 6/12/17.**

Veto overridden by Senate on 6/15/17.

Voted on by House on 6/16/17 and did not pass.

Placed in Legislative files 6/16/17 (Dead)

LD 462 - An Act To Require a Capstone Project as a Condition of High School Graduation
SUMMARY

This bill requires all high school students to complete a capstone project in which the student must identify a problem, develop a solution to that problem and share that solution with the community.

Public hearing was held February 27.

Work session was held March 21 at 1:00 pm.

Voted on March 21 as ONTP (Committee on Education and Cultural Affairs)

Placed in Legislative Files 3/30/17 (Dead)

LD 525 - An Act To Enhance Maine's Response to Domestic Violence
SUMMARY

This bill provides funding for the Maine Coalition to End Domestic Violence to support certified batterers' intervention programs for indigent participant fees, training programs, transportation costs and administrative expenses for the coalition.

Public hearing was held March 31 at 1:00 pm.

Work session was held April 7

Voted on April 7 as Divided report (Committee on Criminal Justice and Public Safety)

Work session reconsidered 4/26/17 Voted as Divided Report.

Reported out on 5/8/17 as OTP as amended/ONTP

Amendment:

SUMMARY

This amendment, which is the majority report of the committee, replaces the bill and adds an appropriations and allocations section to provide funding to the Department of Corrections, instead of the Department of Health and Human Services, for batterers' intervention programs. FISCAL NOTE REQUIRED

***Passed by House to be Enacted on 5/23/17**

Motioned by Senate on 2/24/17 to be placed on Special Appropriations Table pending Enactment.

LD 565 - An Act To Address Maine's Opiate Addiction Crisis
CONCEPT DRAFT

SUMMARY

This bill is a concept draft pursuant to Joint Rule 208. 5 This bill proposes to address issues related to the opiate addiction crisis in the State.

Work Session held and Tabled on 5/10/17.

Carry over requested on 5/12/17

LD 573 - Resolve, To Audit Standardized Testing in Maine's Schools

SUMMARY

This bill directs the Maine Education Policy Research Institute to conduct an audit of standardized testing in a random sample of school administrative units statewide for the purpose of understanding the amount, cost and usefulness of standardized testing. This bill requires the Maine Education Policy Research Institute no later than January 1, 2018 to issue a report with its findings and recommendations to the Joint Standing Committee on Education and Cultural Affairs, which may report out a bill based upon the report to the Second Regular Session of the 128th Legislature.

Public hearing was March 15 at 1:00 pm. Work session was held March 28 and bill was tabled. (Committee on Education and Cultural Affairs)

Placed in legislative Files 5/4/17 (Dead)

LD 607 - An Act To Enhance Maine's Coordinated Response to Mental Health Crises

SUMMARY

This bill requires the Department of Health and Human Services to provide assistance to crisis intervention teams and agencies that provide mental health crisis services and to law enforcement agencies to enable them to coordinate mental health crisis services. The bill sets July 1, 2018 as the date by which a crisis intervention team or agency must enter into and sign a memorandum of understanding with each law enforcement agency that provides law enforcement services in the area of the State served by the crisis intervention team or agency. The bill requires the memorandum of understanding to be effective for 3 years and to be renewed every 3 years. The memorandum of understanding must include descriptions of the following: the internal processes the law enforcement agency uses to identify a person in need of mental health crisis services; the protocol the law enforcement agency uses to share a contact report with a crisis intervention team or agency; the process the crisis intervention team or agency uses to receive the report; the protocol the crisis intervention team or agency uses to communicate with a person in need of mental health services or the guardian or family members of that person; and the procedures to be used to convene on a quarterly basis multidisciplinary team meetings to review experiences and discuss opportunities for improvement.

Placed in Legislative files 5/18/17 (Dead)

LD 679 - An Act To Reform School Testing Procedures

SUMMARY

This bill limits statewide assessment program testing requirements to grades 3, 5, 7, 9 and 11 and limits any use of alternative measures of student achievement to grades 9 and 11. It also limits the statewide system of learning results testing requirements to students in grades 3, 5, 7, 9 and 11. The bill authorizes the Commissioner of Education to adopt rules to implement the provisions of the bill.

Public hearing is scheduled for March 27 at 9:30.

Work session was held April 6.

Voted on April 6 as ONTP (Committee on Education and Cultural Affairs)

Placed in Legislative Files 4/13/17 (Dead)

LD 681 - An Act Regarding Sexual Activity and Sexual Assault at Secondary and Postsecondary Educational Institutions

SUMMARY

This bill requires that instruction involving affirmative consent, communication and decision making regarding sexual activity be a mandatory part of secondary school instruction.

"Affirmative consent" is defined as consent to sexual activity that can be revoked at any time and does not include silence, lack of resistance or consent given while intoxicated. This bill also requires a postsecondary educational institution to make a notation on a student's transcript if the student has been convicted of sexual assault committed on the campus of the postsecondary educational institution.

Public hearing is April 10 at 1:00 pm

Work session held 4/24/17 and voted as divided Report.

Reported out on 6/24/17 as OTP as Amended/ONTP.

Amendment:

SUMMARY

This amendment, which is the majority report of the committee, strikes the part of the bill that requires a notation to be made on the transcript of a postsecondary student who is convicted of sexual assault. This amendment requires the Commissioner of Education to review the content standards and performance indicators for the content area of health, physical education and wellness, including instruction on affirmative consent, communication and decision making regarding sexual activity and the effects of alcoholic drinks, stimulants and narcotics on the ability to give affirmative consent, communicate and make appropriate decisions, during the 2017-2018 school year as part of the commissioner's 5-year review cycle of the content standards and performance indicators required under the system of learning results.

FISCAL NOTE REQUIRED

***Passed to be Enacted by House on 6/16/17.**

Motioned by Senate to be placed on Special appropriations Table pending Passed to be Enacted on 6/19/17

LD 688 - An Act To Provide MaineCare Coverage for Music Therapy

SUMMARY

This bill requires music therapy services to be reimbursed under the MaineCare program upon approval of coverage by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services. The Department of Health and Human Services is directed to adopt routine technical rules to implement this requirement.

Public hearing is March 20 at 9:30 am.

Work session was held March 28.

Voted on March 28 - Divided report (Committee on Health and Human Services)

Placed in Legislative Files on 6/7/17 (Dead)

LD 808 - An Act To Restore Community Support Services for Adults with Mental Illness

SUMMARY

This bill restores access to services for persons with mental illness under Chapter 101: MaineCare Benefits Manual, Chapter II, Section 17 to those persons who were eligible for those services before the Department of Health and Human Services adopted new eligibility rules in 2016.

Work Session held and tabled on 5/10/17

Work session held and voted as divided report on 5/16/17

Reported out as OTP as amended/ONTP on 6/9/17

Amendment:

Senate Amendments - SUMMARY: This amendment adds an appropriations and allocations section.

FISCAL NOTE REQUIRED

SUMMARY

This amendment directs the Department of Health and Human Services to amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter II, Section 17, Community Support Services to restore access to services to persons who have a diagnosis of bipolar disorder or post-traumatic stress disorder. The amendment removes the need for the appropriations and allocations section by reducing some of the eligibility criteria and requiring the department to fund the remaining added services within existing resources.

FISCAL NOTE REQUIRED

***Passed to be Enacted by House on 6/16/17**

Motioned by Senate to be placed on Special appropriations Table pending Passed to be Enacted on 6/19/17

LD 839 - Resolve, To Address Substance Use and Addiction in County Jails

SUMMARY

This resolve provides funding to the Department of Corrections to establish a 4- month pilot project to assist in the rehabilitation of individuals incarcerated at county jails who are experiencing substance use issues or addiction, especially issues or addiction related to opioid use.

**Public hearing was held April 5. Work session scheduled for April 12 at 1:00 pm
Placed in Legislative Files on 6/8/17 (Dead)**

LD 902 - Resolve, To Increase Access to Evidence-based Psychosocial Treatment for Children in the MaineCare Program

SUMMARY

This resolve requires the Department of Health and Human Services to increase the MaineCare reimbursement rates for evidence-based outpatient psychosocial treatments for children to a rate that covers all costs involved with providing the service, including additional training, clears waiting lists and attracts providers to all areas of the State, including underserved rural areas. The resolve also requires the department to cover 2 additional evidence-based services known as trauma-focused cognitive behavioral therapy and parent management training programs through a request for proposals, using General Fund funds for training and hiring staff. The department and the contracted providers are required to develop a reimbursement rate for providing the service that is sufficient to allow the continued financial health of the service providers providing these therapies.

**Public hearing was March 29 at 3:00 pm.
Work Session held and tabled on 4/18/17.
Carry Over requested 5/12/17.**

LD 912 - An Act To Clarify the Scope of Practice of Certain Licensed Professionals Regarding Conversion Therapy

CONCEPT DRAFT

SUMMARY

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to amend the current law to establish that practices or treatments that seek to change an individual's sexual orientation or gender identity are prohibited for certain professionals licensed under the Maine Revised Statutes, Title 32 and to establish penalties for that conduct.

**Work Session held and tabled on 5/11/17
Carry Over requested on 5/12/17**

LD 940 - An Act To Increase Student Learning Time

CONCEPT DRAFT

SUMMARY

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to limit the total amount of time during each school year that a student spends taking tests.

Public hearing was held April 3.

Placed in Legislative Files on 5/16/17 (Dead)

LD 952 - An Act To Ensure Access to Opiate Addiction Treatment in Maine

SUMMARY

This bill directs the Department of Health and Human Services to amend its rules to increase the MaineCare reimbursement rate for outpatient opioid treatment to \$80 per week and to permit outpatient opioid treatment providers to be open 6 days per week as provided under federal law. It directs the department to contract with a 3rd-party consultant to conduct a rate study regarding reimbursement to outpatient opioid treatment providers. It authorizes opioid treatment programs under the Maine Pharmacy Act to operate without maintaining a pharmacist in charge but requires opioid treatment programs to enter into a written agreement with a licensed pharmacist to serve as a consultant to the opioid treatment program. It authorizes registered professional nurses, certified nurse practitioners and licensed practical nurses to dispense opioid medication for substance abuse treatment purposes to patients in an opioid treatment program.

Work session held on 5/10/17 and voted as OTP - AM

Reported out OTP-AM on 5/18/17

Amendment:

SUMMARY

This amendment removes the section from the bill that relates to pharmacy oversight. It changes the increase in reimbursement in the bill for methadone providers from \$80 to \$72 a week. It removes the language that gives the Department of Health and Human Services the authority to increase reimbursement by rulemaking.

FISCAL NOTE REQUIRED

***Passed to be Enacted by House on 5/30/17.**

Motioned by Senate to be placed on Special appropriations Table pending Passed to be Enacted on 5/31/17

LD 966 - An Act To Create Mental Health Liaison Positions in Each County Jail

SUMMARY

This bill provides for a mental health liaison in each county or regional jail to oversee inmates with serious mental illness and connect them to the services for which they qualify, to work with the court system to ensure that they receive due process and speedy trials and to assist inmates who qualify for MaineCare to apply for and receive MaineCare benefits and services. This bill directs the Department of Health and Human Services to issue a request for proposals to private providers of behavioral health services and advocacy to replace intensive case manager positions within the department to staff the 15 mental health liaison positions in the county and regional jails.

Public hearing is March 31 at 9:30 am. Work session schedules for April 12 at 10:00 am

Work Session held and tabled on 4/12/17

Carry Over requested on 5/12/17

LD 1015 - An Act To Improve the Student Transfer Process

SUMMARY

This bill provides that a parent of a student requesting a transfer from one school administrative unit to another school administrative unit may not request the Commissioner of Education to review a decision to not approve a transfer if both superintendents find a transfer is not in the student's best interest. The bill also establishes the Commission To Study the Student Transfer Process to conduct a review of the appeal process under the laws governing the transfer of a student from one school administrative unit to another school administrative unit, including, but not limited to, a review of the criteria used by the Commissioner of Education and the State Board of Education to make a decision regarding a parent's request to review a decision to not approve a transfer.

Public hearing is March 27 at 1:00 pm. Work session scheduled for April 14 at 9:00 am

Work Session held and voted on 4/14/17 as Divided Report

Reported out on 5/17/17 as OTP as Amended/ONTP

Amendment:

SUMMARY - This amendment replaces the bill with a resolve that, like the bill, establishes the Commission To Study the Student Transfer Process. The commission is directed to conduct a review of the appeal process under the laws governing the transfer of a student from one school administrative unit to another school administrative unit. The amendment adds 4 members to the commission.

FISCAL NOTE REQUIRED

***Passed by House on 5/30/17.**

Motioned by Senate to be placed on The Special Study Table pending final passage on 5/31/17

LD 1129 - An Act Regarding College Affordability

CONCEPT DRAFT

SUMMARY

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to enact measures designed to increase the affordability of college.

Public hearing is April 10 at 9:30 am

Placed in Legislative Files on 6/8/17 (Dead)

LD 1133 - An Act Regarding Access to Appropriate Residential Services for Individuals Being Discharged from Psychiatric Hospitalization

SUMMARY

This bill provides that, if a patient in a hospital who received treatment for a psychiatric condition and who the hospital has determined is clinically ready for discharge requests admission or readmission from the hospital to a facility operated by a residential service provider and that request is denied, the residential service provider must provide the patient the reasons for the denial in writing no later than 3 business days after the request is denied. The bill directs the Department of Health and Human Services to develop a standardized form for use by residential service providers to state the specific reasons for denial. A residential service provider must provide the standardized form to the patient or the patient's parent or guardian or designated representative. A residential service provider must annually send to the department's division of licensing and regulatory services a report of all patients who are denied admission or readmission and the reasons given the patients that were contained in the standardized forms. The bill allows a patient or a patient's parent or guardian or designated representative to recover \$500 from a residential service provider that violates these provisions. It also provides for the revocation of the license of a residential service provider that violates these provisions 3 times or more in a calendar year.

Work Session held and tabled on 5/10/17

Carry Over requested on 5/12/17

LD 1189 - An Act To Define the Age of Consent for Alcohol or Drug Treatment and Mental Health Services

SUMMARY

Current law provides that a minor under 18 years of age may consent to treatment for abuse of alcohol or drugs or for emotional or psychological problems. This bill provides that a minor who is 14 years of age or older may consent to treatment for abuse of alcohol or drugs or for emotional or psychological problems and does not need the consent of a parent or guardian for such treatment. It also provides that if the parent or guardian consents to such treatment of a minor 14 years of age or older, the minor may not abrogate that consent and that if a minor 14 years of age or older consents to such treatment, a parent or guardian may not abrogate that consent.

Work Session was held and tabled on 5/12/17

Carry Over requested on 5/12/17

LD 1197 - An Act to Support Substance Use Disorder Prevention, Treatment and Recovery

SUMMARY

This bill establishes the Fund for Substance Use Disorder Prevention, Treatment and Recovery and funds it by requiring 10% of the tax revenue from the retail sale of marijuana and marijuana products to be deposited in the fund. The fund is used for substance use disorder prevention, recovery and treatment programs administered by the Department of Health and Human Services and the Maine Center for Disease Control and Prevention. This bill specifies that the additional funding for existing programs for substance use disorder, treatment and recovery is intended to supplement, not supplant, funding appropriated for those purposes.

Work Session held and tabled 5/16/17

Carry Over requested on 5/17/17

LD 1231 - An Act Regarding Mental Health Care for Maine Veterans

SUMMARY

This bill directs the Director of the Bureau of Maine Veterans' Services within the Department of Defense, Veterans and Emergency Management to station at each of the bureau's field offices a social worker to provide direct mental health care to veterans, to coordinate mental health care for veterans and to work with the Federal Government and state and local mental health service providers to provide mental health care to veterans. It also requires the director to administer a program to provide grants to providers of mental health services to veterans and appropriate ongoing funds of \$1,000,000 annually for the program.

Public hearing is April 19 at 1:00 pm

Work session held and reported out as Divided Report on 5/12/17

Reported out as OTP as Amended/ONTP on 6/2/17

Amendment:

SUMMARY - This amendment expands the provisions in Committee Amendment "A" that establish a pilot program to provide mental health case management services to veterans. It also establishes the Veterans Mental Health Case Management and Services Fund and changes the source of funding. The amendment also adds an emergency preamble and emergency clause and an appropriations and allocations section.

FISCAL NOTE REQUIRED

SUMMARY - This amendment replaces the bill with a resolve. The amendment establishes a program for the collection of data by hospitals regarding the number of veterans presenting to the hospitals' emergency departments for mental or behavioral health care. The data must be analyzed by the Commissioner of Health and Human Services, in coordination with the Director of the Maine Bureau of Veterans' Services within the Department of Defense, Veterans and Emergency Management, to quantify the unmet need for mental health care services, particularly inpatient treatment, among veterans in the State and to identify gaps in mental health care services administered by the United States Department of Veterans Affairs. The amendment also establishes a 2-year pilot program to provide contracted case management services to veterans in need of mental health care services. The amendment provides funding to mitigate the costs to hospitals for collecting and reporting data and to pay for the contracted case management services program.

FISCAL NOTE REQUIRED

***Passed in House on 6/27/17**

Motioned by Senate to be placed on Special Appropriations Table pending final passage on 6/28/17

LD 1305 - An Act To Protect Victims of Sexual Assault

SUMMARY

Current law allows a person who is a victim of a sexual assault described in the Maine Revised Statutes, Title 17-A, chapter 11 to file a petition for a protection order, whether or not the person who committed the assault is a family or household member or dating partner; the duration of the protection order may be for a fixed period not to exceed 2 years. This bill expands the possible duration of a protection order for victims of sexual assault. The bill provides a victim of a sexual assault described in Title 17-A, chapter 11 the opportunity to petition for an order that is a fixed period of time that may be longer than 2 years, including an order that may be permanent. The bill also adds to the kinds of relief that a court may order for a sexual assault victim the requirement that the defendant refrain from knowingly coming within or knowingly remaining within a specified distance of a specified location.

Placed in Legislative Files on 6/15/17 (Dead)

LD 1335 - An Act To Provide Youth Mental Health First Aid Training to Secondary School Health Educators

SUMMARY

This bill requires the Department of Education to establish a program to ensure health educators in secondary schools receive training from properly credentialed trainers in youth mental health first aid.

Passed to be enacted by House on 6/15/17

Passed to be Enacted by Senate on 6/15/17

Became law without Governor's signature on 6/28/17

LD 1376 - An Act To Remove Barriers to Workforce Development in Alcohol and Drug Counseling and To Increase the MaineCare Reimbursement Rates for Certain Counselors
SUMMARY

This bill directs the Department of Health and Human Services to increase the rates of reimbursement under the MaineCare Benefits Manual, rule Chapter 101: Chapters II and III, Sections 13, 17, 23, 28, 65 and 97 by 20% over the rates in June 2016 by October 27 1, 2017. The bill also makes the following changes to the laws and rules regulating alcohol and drug counselors.

1. It requires reimbursement under the MaineCare program for the services of a licensed clinical professional counselor at the same rate as a licensed clinical social worker.
2. It allows a person to qualify as a licensed alcohol and drug counselor if that person holds a certified alcohol and drug counseling certificate and completes 2,000 hours of practice in alcohol and drug counseling.
3. It reduces the number of hours of documented supervised practice in counseling required to qualify as a licensed alcohol and drug counselor.
4. It requires the Department of Professional and Financial Regulation, State Board of Alcohol and Drug Counselors to offer qualifying examinations at least once every month and conduct the examination if there is an applicant and to issue a license or certificate within 10 days of a passing examination score. It also allows an applicant to submit an application for the examination and the license at the same time.
5. It makes the home addresses of certified and licensed alcohol and drug counselors, certified clinical supervisors and alcohol and drug counseling aides confidential.
6. It reduces the required number of contact hours in continuing professional education for certified and licensed alcohol and drug counselors.

Work Session held and reported out as OTP as amended.

Reported out as OTP - AM on 6/6/17

Amendment:

SUMMARY - This amendment removes the provisions of the bill directing the Department of Health and Human Services to increase certain MaineCare reimbursement rates and directing the Department of Professional and Financial Regulation, State Board of Alcohol and Drug Counselors to change the processes for licensing applications and examinations. The amendment also restores the requirements in current law that an applicant for licensure as a licensed alcohol and drug counselor must complete 4,000 hours of practice in alcohol and drug counseling if the applicant possesses an associate or bachelor's degree from an approved program or must complete 2,000 hours of practice in alcohol and drug counseling if the applicant possesses a master's degree from an approved program. The amendment creates exceptions reducing the clinical practice hour requirements for applicants who complete a specified number of credit hours in addition

counseling course work in the course of obtaining a bachelor's degree or master's degree from an approved program.

***Bill was returned by Governor, but was overridden by both the House and Senate. Veto was overridden on 6/27/71**

Became public law 6/27/17

LD 1404 - An Act To Ensure the Integrity of For-profit Colleges

SUMMARY

This bill requires annual review of for-profit colleges by the State Board of Education 28 to ensure that they are meeting adequate educational standards. If the board finds that a 29 for-profit college is not meeting the standards, the board may terminate the 30 degree-granting authority of a for-profit college.

Passed to be Enacted by House on 6/9/17

Vetoed by Governor and sustained

Placed in Legislative Files on 6/27/17 (Dead)

LD 1416 - An Act To Amend High School Diploma Standards

SUMMARY

This bill amends the requirements for a high school diploma and adds new subjects to those requirements. It repeals the sunset and application provisions of the high school diploma standards in the Maine Revised Statutes, Title 20-A, section 4722. It requires the Department of Education to adopt rules establishing pathways by which students may demonstrate achievement of high school diploma standards by documentation of college readiness assessment standardized test scores, combinations of GPA and academic and career indicators and advanced placement examinations and course grades

Placed in Legislative Files on 6/9/17 (Dead)

LD 1429 - An Act Regarding the Epidemic of Opiate Abuse

SUMMARY

This bill addresses the opiate crisis in Maine by:

1. Allowing funds from property forfeited pursuant to a criminal forfeiture action to be assigned by the court, upon the request of the investigating or prosecuting agency, to a law enforcement agency in this State that provides case management and other social services to persons with substance use disorders;
2. Clarifying that the Class B crimes of aggravated furnishing of scheduled drugs and aggravated trafficking or furnishing of counterfeit drugs are for the death of another person, whose death was caused by drugs furnished by the defendant; and
3. Requiring the Department of Health and Human Services to provide an annual report to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding the Controlled Substances Prescription Monitoring Program, including the number of prescribers participating and trends in prescription practices.

Work Session held on 4/28/17 (Committee on Criminal Justice and Public Safety).

Voted as OTP-AM on 5/15/17

Reported out as OTP-AM on 6/14/17

Amendment:

SUMMARY - This amendment adds to the bill new variants of aggravated trafficking of scheduled drugs that includes trafficking in scheduled drugs when the trafficked scheduled drug was a contributing factor in the death of another person, a Class A crime, or serious bodily injury of another person, a Class B crime. The amendment also adds an appropriations and allocations section.

FISCAL NOTE REQUIRED

Passed to be Enacted by House on 6/16/17

Motioned by Senate to be placed on The Special Appropriations Table pending Passed to be Enacted on 6/19/17

LD 1452 - An Act To Ensure Student Privacy in the Digital Age

SUMMARY

This bill:

1. Establishes data privacy practices for the Department of Education, school administrative units, schools, other agencies and 3rd parties handling protected student data;
2. Subject to rule-making authority granted to the State Board of Education, requires administrative, physical and technical safeguards to be implemented to protect the privacy and integrity of protected student data;
3. Requires written consent by a parent or guardian of a student or by a student 18 years of age or older to share the student's personally identifiable information, with protections when no consent is required;
4. Subjects research using student personally identifiable information to student privacy protections;
5. Provides requirements for the minimization of and prohibitions on, the collection of certain information without consent;
6. Establishes the right of a parent or guardian of a student or a student 18 years of age or older to inspect the student's personally identifiable information and make corrections for inaccuracies or misleading data;
7. Ensures the effectiveness of privacy protections of students by establishing the position of a state education privacy officer within the Department of Education who is responsible to the State Board of Education;
8. Establishes a private right of action including civil penalties and damages against 3rd parties for failure to adequately protect student personally identifiable information or protected student data against the department, school administrative units or schools, except under specific circumstances; and
9. Requires the provisions of this Act be implemented by routine technical rules prior to October 31, 2018 and any rules adopted after the effective date of this Act on July 1, 2019 be major substantive rules.

Placed in Legislative files on 5/16/17 (Dead)

LD 1483 - An Act To Safeguard Student Contact Information Provided to Schools

SUMMARY

This bill prohibits a school administrative unit or school or a representative of a school administrative unit or school from using contact information of a student or student's parent or guardian to advance any campaign as defined in the Maine Revised Statutes, Title 21-A, section 1052, subsection 1. The bill also makes that contact information part of the student's education record.

Placed in Legislative Files on 6/14/17 (Dead)

LD 1495 - An Act To Break the Generational Cycle of Domestic Violence

SUMMARY

This bill provides that a nonprofit organization that provides counseling and educational services to children who are affected by domestic violence and that receives referrals from a parent, guardian or relative of a child affected by domestic violence or a school, law enforcement agency, health care organization, health care provider or domestic violence resource center may apply to the Department of Health and Human Services for funding for these services. The bill directs the department to divide the State into 8 regions for purposes of providing funding to these nonprofit organizations and to provide funding in all 8 regions. In determining which nonprofit organizations to fund, the department must consider, among other factors, how much money each nonprofit organization spends on administration versus direct services and must give special consideration to nonprofit organizations that minimize administrative expenses and to nonprofit organizations in rural areas. Services provided by the nonprofit organization must be targeted to children who are 2 years of age or older and under 12 years of age. The bill provides that the department must report on the implementation of these provisions to the joint standing committee of the Legislature having jurisdiction over public safety matters and the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than November 7, 2018.

Work Session held and tabled on 5/4/17

Carry Over requested on 5/12/17

LD 1507 - An Act To Establish a Student Loan Bill of Rights To License and Regulate Student Loan Servicers

SUMMARY

This bill does the following.

1. It creates a position of student loan ombudsman under the Superintendent of Consumer Credit Protection within the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection. The student loan ombudsman's duties include: receiving, reviewing and, if possible, resolving complaints from student loan borrowers; compiling and analyzing student loan borrower data; assisting student loan borrowers to understand their rights and responsibilities; providing information to the public, agencies and Legislators regarding concerns of student loan borrowers and making recommendations to resolve them; analyzing and monitoring the development and implementation of other legislation and policies that affect student loan borrowers and recommending necessary changes; reviewing student loan history for borrowers who consent; disseminating information about the ombudsman's availability to assist others; establishing and maintaining a student loan borrower education course; and other necessary actions.
2. It requires the superintendent to submit an annual report by January 1st of each year in regard to the effectiveness of the student loan ombudsman and to recommend additional steps necessary to gain regulatory control over licensing and enforcement with respect to student loan servicers.
3. It establishes a licensing procedure for student loan servicers, which includes an investigation of an applicant, along with a license fee and an investigation fee.
4. It identifies prohibited acts for student loan servicers, including employing any scheme, device or artifice to defraud or mislead student loan borrowers.
5. It identifies duties of the superintendent in regard to investigations and examinations of student loan servicers.
6. It requires student loan servicers to comply with all applicable federal laws and regulations related to student loan servicing.
7. It requires the Commissioner of Professional and Financial Regulation to adopt routine technical rules necessary to carry out the provisions in this bill.

Work session held on 5/11/17 and voted on as OTP-AM

Ammendment:

SUMMARY - This amendment makes the following changes to the bill.

- 1. It removes the provision creating the position of student loan ombudsman under the Superintendent of Consumer Credit Protection within the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection.**
- 2. It clarifies the definition of "student education loan."**

Reported out as OTP-AM in 6/1/17.

Referred to Committee on Insurance and Financial Services on 6/21/17.

LD 1517 - An Act To Ensure Access to Behavioral Health Services

SUMMARY

This bill establishes the Behavioral Health Oversight Council to review reimbursement rate-setting for certain behavioral health services provided under MaineCare and advise the Commissioner of Health and Human Services, the Commissioner of Corrections and the Commissioner of Public Safety regarding the behavioral health system in the State. It sets out requirements for reimbursement rate-setting to be used by the Department of Health and Human Services to determine rates for certain behavioral health services provided under MaineCare. It directs the Department of Health and Human Services to amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Sections 13, 17, 23, 28, 65 and 97 to increase reimbursement rates by fiscal year 2018-19 to reflect a 20% increase from rates in fiscal year 2008-09.

Work Session held on 5/18/17

Work Session reconsidered on 5/31/17 and reported out as Divided Report

Reported out on 6/12/17 as OTP-AM/ONTP

Amendment: SUMMARY - This amendment, which is the majority report of the committee, strikes the bill and makes it a resolve. The amendment retains the section in the bill that increases reimbursement rates by June 1, 2018. The increase in that section is changed from 20% to 2%, which must be applied to employee wages and benefits. The amendment specifies that increases to Section 97, Private Non-Medical Institution Services include only Appendix B and Appendix E. The amendment adds an appropriations and allocations section.

FISCAL NOTE REQUIRED

Passed House on 6/19/17.

Motioned by Senate to be placed on The Special Appropriations Table pending Finally Passed in concurrence.

