

130th Legislature Year One Wrap-Up

Maine Coalition for Housing and Quality Services

September 13, 2021

Budget(s)/Funding

Passed/Enacted

Carried Over

Others ?

Questions/Discussion

Budget

Supplemental Budget

[LD 220](#) An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2021
Included funding to provide 3-month retainer payments for Community Supports Service providers who followed DHHS guidance and suspended in-person supports to reduce spread/risk of COVID-19.

Back to Basics Budget

[LD 715](#) An Act To Make Certain Appropriations and Allocations and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government

The House and Senate passed a pared down “back to basics” budget for FY22 on March 30 that was signed into law by the Governor the same week so that funding would be in place July 1, 2021. While it was unclear during the presentation of the budget, OADS and Office of MaineCare Services confirmed that the budget does include increases for Sections 21 & 29 (for FY22 only) that are designed to bring the wage component of the Section 21 Residential/Agency Home Support and Family Group Support wage rate up to minimum wage and to support a newly proposed Community Membership Service tiered model with tiered rates for 1:1, 1:2 and 1:3 supports.

Budget

Biennial Budget FY22 & FY23

[LD 221](#) An Act Making Unified Appropriations And Allocations For The Expenditures Of State Government, General Fund And Other Funds And Changing Certain Provisions Of The Law Necessary To The Proper Operations Of State Government For The Fiscal Years Ending June 30, 2021, June 30, 2022, and June 30, 2023 Passed and Signed by Governor on June 30, 2021

LD 1573 Language adopted in this budget

- Identify “essential support workers” across all populations and settings
- Require the wage portion of the MaineCare/state-funded rate be set at 125% of minimum wage
- Adjust for COLA every 2 years, and rebase every 5 years

Funding for Section 29 Waitlist

- Maintains current level of waitlist by funding an additional estimated 30 people per month

Establishes and funds Aging and Disability Mortality Review Panel

- Housed in CDC new panel will to review deaths of and serious injuries to all adults receiving HCBS

Budget

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LD 1733 An Act To Provide Allocations for the Distribution of State Fiscal Recovery Funds

Passed and signed by Governor on 7/19

Nearly \$6M to backstop increased pay for behavioral health workers under Secs. 17, 26, 28, and 65 passed in the budget

\$50M for affordable workforce housing with a Maine State Housing Authority and Department of Economic and Community

Development partnership, \$20M of which is subject to a pilot program using Project Labor Agreements.

\$10M in one-time funds (2021-2022) for grants to existing emergency homeless shelters, including those that assist homeless youth, to be used for operations, maintenance or capital improvements.

\$1.5M Support for Housing navigators in the Maine State Housing Authority – 2-year pilot program within the Maine State Housing Authority. The authority shall hire individuals referred to as "housing navigators" affiliated with local housing authorities, general assistance programs or nonprofit organizations to assist tenants with locating housing and the rental application process and to provide supportive services to promote successful landlord-tenant relationships.

Passed

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LD 28 An Act To Create An Alert System To Notify The Public When A Person With An Intellectual Or Developmental Disability *This bill requires the Department of Public Safety to develop and implement an alert 23 system to be activated on behalf of missing persons with intellectual or developmental 24 disabilities.*

LD 255 Resolve, Directing the Department of Education To Develop a Plan for the Provision of Early Intervention Services

This resolve directs the Department of Education to:

- 1. Convene an advisory committee to advise the department on the development of a plan for the provision of early intervention services for children from birth to under 3 years of age through a quasi-independent government agency structure, the option of pursuing the federal Individuals with Disabilities Education Act Extended Part C Option under 34 Code of Federal Regulations, Section 303.211 and recommendations on the provision of services for children 3 years of age;*
- 2. Develop a plan for the provision of early intervention services through a quasi-independent government agency structure, with the Department of Education providing oversight as the lead agency, and draft suggested legislation to implement the plan;*
- 3. Conduct an analysis on the federal Extended Part C Option;*
- 4. Develop recommendations on the provision of services for children who are 3 years of age, including but not limited to whether children 3 years of age should receive services through the quasi-independent government agency structure, school administrative units or a hybrid system; and*
- 5. Submit a report, no later than February 1, 2022, on the plan for early intervention services, including suggested legislation and a detailed analysis of any additional resources or statutory or regulatory changes necessary to implement the plan, the analysis of the federal Extended Part C Option and recommendations on the provision of services for children who are 3 years of age, to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services. The Joint Standing Committee on Education and Cultural Affairs may submit legislation to the Second Regular Session of the 130th Legislature related to the report.*

Passed

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LD 386 Resolve, Directing the Department of Education To Establish the Process for Transitioning the Provision of Early Childhood Special Education Services for Children with Disabilities from 4 Years of Age to under 6 Years of Age from the Regional Child Development Services System to School Administrative Units

This resolve directs the Department of Education to establish a process, timeline and implementation plan for transitioning the provision of early childhood special education services for children with disabilities from 4 years of age to under 6 years of age from the regional Child Development Services System to school administrative units. It requires the department to establish an advisory committee to advise the department and requires the department to report to the Joint Standing Committee on Education and Cultural Affairs no later than February 1, 2022. The joint standing committee is authorized to submit legislation related to the department's report to the Second Regular Session of the 130th Legislature. The amendment also allows the advisory committee to report to the joint standing committee regarding its role in the development of the process, timeline, and implementation plan

Passed

LD 854 An Act To Ensure Continued School-based Services For Children With Disabilities

This bill directs the Department of Health and Human Services to support medically necessary school-based services in developmental preschools for children from birth to 5 years of age. It designates any rules adopted as major substantive rules under the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A. It requires the department to convene a stakeholder group when drafting those rules and take into account the findings from the independent review of the State's early childhood special education services being carried out pursuant to Public Law 2019, chapter 343, Part VVVV.

LD 924 Resolve, To Establish a Task Force To Study the Coordination of Services and Expansion of Educational Programs for Young Adults with Intellectual or Developmental Disabilities To Identify Barriers to Full Societal Integration

This resolve establishes the Task Force To Study the Coordination of Services and Expansion of Educational Programs for Young Adults with Intellectual or Developmental Disabilities to identify barriers inhibiting adults 18 years of age to 40 years of age with) intellectual or developmental disabilities from being fully integrated into society and to recommend possible solutions.

LD 1373 An Act To Keep All Maine Students Safe by Restricting the Use of Seclusion and Restraint in Schools

This bill passed after much floor debate. Sponsor Representative Millet's adopted House floor amendment removes the prohibition on the use of seclusion, adds the definition of "timeout" currently found in Department of Education rule Chapter 33: Rule Governing Physical Restraint and Seclusion; and includes seclusion in the other provisions of the committee amendment that refer to restraint, treating both emergency interventions the same with regard to limitations on use and data reporting.

Carried Over

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LD 17 Resolve, To Provide Rural Nonmedical Transportation Services To The Elderly And Adults With Disabilities Receiving Home And Community Benefits Under The MaineCare Program

This resolve directs the Department of Health and Human Services to amend its rule 21 Chapter 101: MaineCare Benefits Manual, Chapter III, Sections 17 and 65 to increase 22 reimbursement rates for daily living support services and any home and community-based 23 services provided to children and adults by behavioral health professionals by 20%. It 24 requires that the increase in reimbursement rates must be applied to wages and benefits for 25 employees who provide direct care services and not to administrators or managers.

LD 296 An Act To Provide A Tax Credit For Family Caregivers *This bill expands the role of the Department of Health and Human Services with 3 respect to the Respite Care Fund to include services for family caregivers. It provides a 4 refundable income tax credit of \$2,000 for certified family caregivers and permits eligible 5 family caregivers to choose to receive services or a tax credit.*

LD 415 Resolve, Directing The Department Of Health And Human Services To Increase Mainecare Reimbursement Rates For Targeted Case Management Services To Reflect Inflation. *This resolve requires the Department of Health and Human Services to amend its rules governing MaineCare reimbursement for targeted case management services to provide an increase reflecting cost increases from 2010 to 2020.*

LD 432 Resolve, To Improve Behavioral Health Care For Children *This resolve requires the Department of Health and Human Services to amend rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 65 to reimburse for additional collateral contacts for children's home and community-based treatment. Those additional collateral contacts are between the child's mental health professional and parents, medical providers, psychiatric providers, residential providers, case managers and school personnel as long as the goal of the collateral contact is included in the goals of the individual treatment plan.*

Carried Over

LD 552 An Act To Strengthen The Individualized Education Program Process

This bill requires that changes to the individualized education program for a child with a disability be made by consensus of the individualized education program team. The bill also requires that the individualized education program team allow a person who provides special education services to a child with a disability through regular and direct contact to participate in a team meeting concerning that child upon the request of the individual or the request of a member of the team. Finally, the bill requires the Commissioner of Education to submit proposed changes to the rules governing special education to the Legislature by January 1, 2022 to amend the rules to conform with the provisions of the bill.

LD 1204 An Act To Address the Shortage of Direct Care Workers for Children with Disabilities in Maine

This bill allows for the reimbursement of a parent providing in-home personal care services to the parent's child by allowing the parent to register as a personal care agency if the parent has made reasonable efforts to obtain regular in-home personal care services and has passed a background check. The child must be eligible for the MaineCare program. An individual who is not a parent of the child must be designated as the employer and must be approved as the employer by both the parent and the Department of Health and Human Services. The department is required to request the necessary state plan amendments or waivers from the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services and adopt routine technical rules upon federal approval.

Carried Over

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LD 1360 An Act To Provide Services to Maine's Most Vulnerable Citizens by Eliminating the Waiting Lists for Certain MaineCare Services *This amendment replaces the bill. It provides funding to provide services to individuals with brain injury, other related conditions, developmental disabilities or autism spectrum disorder on the waiting lists for community-based services provided under the Department 13 of Health and Human Services rule Chapter 101: MaineCare Benefits Manual, Chapters II and III, Section 21, Home and Community Benefits for Members with Intellectual Disabilities or Autism Spectrum Disorder; Section 29, Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder; Section 18, Home and Community Based Services for Adults with Brain Injury; and Section 20, Home and Community Based Services for Adults with Other Related Conditions. It also provides funding to eliminate the waiting lists for state-funded services provided under Department of Health and Human 20 Services rule Chapter 10-149: Office of Aging and Disability Services, Chapter 5, Office 21 of Aging and Disability Services Policy Manual, Section 63, In-Home and Community Support Services for Elderly and Other Adults and for services provided under Chapter 14- 23 197: Office of Aging and Disability Services, Chapter 11, Consumer Directed Personal Assistance Services.*

LD 1574 An Act To Ensure Support for Adults with Intellectual Disabilities or Autism with High Behavioral Need *This bill requires the Department of Health and Human Services to establish by rule reimbursement rates for positive behavioral support plans and behavior management plans provided to persons with intellectual disabilities or autism. The rates must be adequate to cover all parts of the plans, including clinical oversight, equipment and staff with additional training, qualifications and experience required for managing challenging behavior or preventing a personal crisis. Rules adopted are major substantive rules and must be adopted by July 1, 2021.*



Other Bills of Interest?

Questions/Discussion?

What's Next?

- *130th Session (short session) begins in January 2022. Typically ends in April.*
- *Cloture for new bills is September 24th – deadline for legislators to propose new bills to leadership.*
- *Contact your State Representative and Senator about issues that matter to you.*

USEFUL LINKS

Maine Legislature Homepage: <http://legislature.maine.gov/>

Maine Legislature Youtube Channels for Legislative Committees:
<https://www.youtube.com/mainestatelegislature>