

# 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)

**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 6, 2006 to June 21, 2007**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 20, 2007**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

---

---

**Penmor Lithographers**  
**Lewiston, Maine**  
**2007**

lation to the committee. The Joint Standing Committee on Judiciary may submit legislation to the Second Regular Session of the 123rd Legislature after receiving the report.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 12, 2007.

---



---

**CHAPTER 75**  
**S.P. 386 - L.D. 1198**

**Resolve, Regarding the  
Provision of Over-the-counter  
Medications in the MaineCare  
Program**

**Sec. 1. Educational initiative. Resolved:** That the Department of Health and Human Services, Office of MaineCare Services shall undertake an educational initiative for health care practitioners who prescribe medications under the MaineCare program. The initiative must provide information on prescription medications and any available over-the-counter equivalents that are reimbursed under MaineCare and must remind practitioners that MaineCare will reimburse for over-the-counter medications only when they are medically necessary.

See title page for effective date.

---



---

**CHAPTER 76**  
**S.P. 570 - L.D. 1626**

**Resolve, Directing the  
Department of Professional  
and Financial Regulation, State  
Board of Nursing To Amend  
the Rules for the Medication  
Course for Certified Nursing  
Assistants**

**Sec. 1. Department of Professional and Financial Regulation, State Board of Nursing directed to amend rules for the medication course for certified nursing assistants. Resolved:** That the Department of Professional and Financial Regulation, State Board of Nursing shall amend its rules relating to the State Board of Nursing's standardized medication course for certified nursing assistants to increase the clinical instructor-to-student ratio from 1:1 when the student is administering medications in the clinical setting to a ratio of 1:3. The board shall adopt routine technical rules to increase the

ratio to 1:3 pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A; and be it further

**Sec. 2. Reporting date established. Resolved:** That, by September 1, 2008, the Department of Professional and Financial Regulation, State Board of Nursing shall notify the Joint Standing Committee on Business, Research and Economic Development of the rule change under section 1.

See title page for effective date.

---



---

**CHAPTER 77**  
**H.P. 1306 - L.D. 1874**

**Resolve, Regarding Legislative  
Review of Portions of Chapter  
270: Uniform Reporting  
Systems for Maine Quality  
Data Sets, a Major Substantive  
Rule of the Maine Health Data  
Organization**

**Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** the above-named major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 270: Uniform Reporting Systems for Maine Quality Data Sets, a provisionally adopted major substantive rule of the Maine Health Data Organization that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made.

1. Section 3 (B) of the rule is amended to reflect the correct name of the current version of the Institute for Healthcare Improvement's how-to guide for pre-

venting central line infections and ventilator associated pneumonia.

2. Section 3 (B) (HAI-4) of the rule is amended to reflect the correct number of evidence-based interventions by changing the word "five" to "four" and add the word "insertion-related" in between the words "four" and "evidence-based" to use the correct terminology.

3. Section 8 (A) (2) of the rule is amended to reflect the correct name of the current version of the Institute for Healthcare Improvement's how-to guide for preventing central line infections and ventilator associated pneumonia.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 12, 2007.

**CHAPTER 78**

**H.P. 1300 - L.D. 1868**

**Resolve, To Review Statutes, Rules and Policies Regarding Mental Retardation, Pervasive Developmental Disorders and Other Cognitive and Developmental Disorders**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the Legislature has determined that the Department of Health and Human Services needs to reevaluate the criteria for eligibility for services and levels of care of services and its statutory authority, rules and policies; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Review and report. Resolved:** That the Department of Health and Human Services shall convene a working group of stakeholders and other interested parties to undertake a review of current statutes, rules and policies regarding services, definitions, limitations, eligibility and levels of care for adults with mental retardation, pervasive developmental disorders and other cognitive and developmental disorders. The purpose of the review is for the department to evaluate the need for changes in statute, rule or policy to ensure fairness and equity in the provision of services and to

evaluate the need for additional resources to meet unidentified need. By January 1, 2008, the department shall report to the Joint Standing Committee on Health and Human Services on its progress in the review and any recommended changes in law. The Joint Standing Committee on Health and Human Services is authorized to submit legislation related to the recommendations of the working group to the Second Regular Session of the 123rd Legislature.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 14, 2007.

**CHAPTER 79**

**H.P. 852 - L.D. 1159**

**Resolve, To Encourage Increased Use of Biofuel in Maine**

**Sec. 1. Development of a plan for a pilot program to establish refueling stations for biofuel. Resolved:** That the Executive Department, State Planning Office, Office of Energy Independence and Security shall develop a plan for a pilot program to establish refueling stations for biofuel that is at least 85% ethanol. The office shall collaborate with the United States Department of Energy and the ethanol industry to secure resources and funding to facilitate the pilot program. The goal of the program is to convert up to 20 pump and tank systems to dispense biofuel that is at least 85% ethanol in areas of the State that have the highest population density and percentage of vehicles capable of receiving the fuel; and be it further

**Sec. 2. Report. Resolved:** That, no later than January 31, 2008, the Executive Department, State Planning Office, Office of Energy Independence and Security shall report its plan under section 1 along with any recommended legislation related to the plan to the Joint Standing Committee on Transportation. The Joint Standing Committee on Transportation may submit a bill related to the plan to the Second Regular Session of the 123rd Legislature.

See title page for effective date.

**CHAPTER 80**

**S.P. 407 - L.D. 1219**

**Resolve, To Study Flood Control and Water Storage**