

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 6, 2010 to April 12, 2010**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 12, 2010**

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

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**Augusta, Maine**  
**2010**

5, chapter 375, subchapter 2-A, including rules that address the following:

1. Inclusion of the interested parties identified in Title 22, section 3174-PP, subsection 1 in the MaineCare Advisory Committee. The rules must also provide that:

A. The department and the interested parties agree upon a process that is appropriate for reviewing the scope of the policy considerations that pertain to the Medicaid programs specified in Title 22, section 3174-PP, subsection 1; and

B. The interested parties may serve as members of the MaineCare Advisory Committee or as members of a subcommittee of the MaineCare Advisory Committee, as agreed to by the department after consultation with the interested parties; and

2. Obtaining the maximum available federal revenue from the Medicaid program for services that qualify for reimbursement and minimizing the administrative burden for the Child Development Services System regional sites and school administrative units.

**Sec. 3. Rules review.** The Department of Education and the Department of Health and Human Services shall review the Department of Health and Human Services Chapter 101 rules including, but not limited to, the MaineCare Benefits Manual, Chapters II and III, Sections 28, 41, 65, 68, 85, 96 and 109, in order to ensure that the rules satisfy federal Medicaid requirements applicable to services provided through the auspices of the Child Development Services System and school administrative units and to also ensure continued access by Child Development Services System regional sites and schools to Medicaid payment for services that qualify for reimbursement. The Department of Education and the Department of Health and Human Services shall invite the participation of the following entities in conducting the review:

1. The Attorney General or the Attorney General's designee;
2. The Executive Director of the Maine School Management Association or the executive director's designee;
3. The Executive Director of the Maine Administrators of Services for Children with Disabilities or the executive director's designee;
4. The Executive Director of the Disability Rights Center or the executive director's designee; and
5. The Executive Director of the Maine Developmental Disabilities Council or the executive director's designee.

**Sec. 4. Interim and final reports.** No later than May 15, 2010, the Commissioner of Education and the Commissioner of Health and Human Services

shall submit an interim report on the status of the rules reviewed under section 3 to the Joint Standing Committee on Education and Cultural Affairs. No later than July 1, 2010, the commissioners shall submit a 2nd interim report on the status of the rules reviewed under section 3, including preliminary recommendations on any proposed changes to the rules, to the Joint Standing Committee on Education and Cultural Affairs. The commissioners shall present a final report, including any recommendations and the status of the rules reviewed under section 3 by January 3, 2011 to the joint standing committee of the Legislature having jurisdiction over education matters.

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

Effective April 12, 2010.

**CHAPTER 644**

**H.P. 1310 - L.D. 1824**

**An Act To Decriminalize Violations of Rules or Permit Conditions of the Baxter State Park Authority**

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

**Whereas,** changes in the rules of the Baxter State Park Authority are needed before the summer season; 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 enacted by the People of the State of Maine as follows:**

**Sec. 1. 12 MRSA §903, sub-§2,** as enacted by PL 2003, c. 452, Pt. F, §2 and affected by Pt. X, §2, is amended to read:

**2. Violation of rules and permits.** A person who violates any of the rules of the Baxter State Park Authority or a condition of a permit issued under those rules commits a **Class E crime**. ~~Except as otherwise specifically provided, these crimes are strict liability crimes as defined in Title 17-A, section 34, subsection 4-A civil violation for which a fine of not more than \$1,000 may be adjudged.~~

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

**CORRECTIONS, STATE BOARD OF**

**State Board of Corrections Investment Fund Z087**

Initiative: Deappropriates funds based on an anticipated reduction in sentences for Class E crimes.

GENERAL FUND	2009-10	2010-11
All Other	\$0	(\$19,266)
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>(\$19,266)</b>

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

Effective April 12, 2010.

**CHAPTER 645**

**H.P. 1313 - L.D. 1826**

**An Act To Authorize Bond Issues for Ratification by the Voters for the June 2010 Election and November 2010 Election**

**Preamble.** Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14 to authorize the issuance of bonds on behalf of the State of Maine to provide funds as described in this Act,

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

**Whereas,** this legislation directs the transfer of funds prior to June 30, 2010; 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 enacted by the People of the State of Maine as follows:**

**PART A**

**Sec. A-1. Authorization of bonds.** The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding

\$47,800,000 for the purposes described in section 6 of this Part. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds. At the discretion of the Treasurer of State, with the approval of the Governor, any issuance of bonds may contain a call feature.

**Sec. A-2. Records of bonds issued kept by Treasurer of State.** The Treasurer of State shall keep an account of each bond showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

**Sec. A-3. Sale; how negotiated; proceeds appropriated.** The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Part. Any unencumbered balances remaining at the completion of the project in this Part lapse to the debt service account established for the retirement of these bonds.

**Sec. A-4. Interest and debt retirement.** The Treasurer of State shall pay interest due or accruing on any bonds issued under this Part and all sums coming due for payment of bonds at maturity.

**Sec. A-5. Disbursement of bond proceeds.** The proceeds of the bonds must be expended as set out in this Part under the direction and supervision of the Department of Transportation.

**Sec. A-6. Allocations from General Fund bond issue.** The proceeds of the sale of the bonds authorized under this Part must be expended as designated in the following schedule.

**DEPARTMENT OF TRANSPORTATION**

**General Fund**

Provides funds for state highway reconstruction and paving. \$24,800,000

Provides funds for railroads, including \$7,000,000 to purchase and preserve approximately 240 miles of railroad track in Aroostook County currently owned and operated by the Montreal, Maine and Atlantic Railway, which track upon acquisition by the State must be operated by a rail operator chosen through a competitive process, in consultation with shippers and other stakeholders of the track; \$5,000,000 to purchase a portion of \$16,000,000