

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 3, 2008 to June 13, 2009**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 12, 2009**

**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**  
**2009**

**Whereas**, promoting renewable energy and promoting energy efficiency are significant priorities of the federal American Recovery and Reinvestment Act of 2009; and

**Whereas**, significant funding from the federal American Recovery and Reinvestment Act of 2009 will be disbursed to the Public Utilities Commission in the immediate future for energy initiatives, including renewable energy programs; 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. Feasibility studies for renewable energy projects. Resolved:** That the Public Utilities Commission shall, to the extent allowed, apply federal funds received by the commission under the federal American Recovery and Reinvestment Act of 2009 to provide grants to public educational and municipal entities to conduct feasibility studies for the installation and operation of cost-effective renewable energy projects on public property. For purposes of this section, "public educational and municipal entities" includes the University of Maine System, the Maine Maritime Academy, the Maine Community College System, counties, municipalities, quasi-municipal corporations or districts and school administrative units, and "public property" means land, structures, facilities and other real property under the ownership or control of public educational and municipal entities.

Subject to the availability of funds and qualified applicants, the commission shall select grant recipients for feasibility studies under this section and shall determine the amount of funding distributed to each recipient. In selecting grant recipients under this section, the commission shall give priority to proposals from public educational and municipal entities that have committed to fund at least 10% of the cost of the feasibility study either in a financial commitment or an equivalent value of volunteer or in-kind contributions as determined by the commission; and be it further

**Sec. 2. Rules. Resolved:** That the Public Utilities Commission may adopt rules, as necessary, to implement this resolve. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A; and be it further

**Sec. 3. Reports. Resolved:** That the Public Utilities Commission shall prepare and submit an interim report and a final report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters regarding grants provided to public educational and municipal entities to conduct

feasibility studies for installation and operation of renewable energy projects on public property in accordance with section 1. The interim report must be submitted no later than April 1, 2010, and the final report must be submitted no later than December 31, 2011.

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

Effective May 22, 2009.

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## CHAPTER 66

### S.P. 273 - L.D. 724

#### Resolve, To Create a Working Group To Provide Transparency Concerning Operating Expenses for Hospitals

**Sec. 1. Convene working group. Resolved:** That the Maine Health Data Organization and the Governor's Office of Health Policy and Finance shall convene a working group to examine and make recommendations for hospital data reporting that will provide transparency concerning operating expenses, including, but not limited to, annual operating budgets and other financial information. The working group must include representatives of the Maine Hospital Association, the Maine Health Data Organization and the Governor's Office of Health Policy and Finance and any other stakeholders needed to determine the appropriate data sets, schedules and format of the data and reports. The Maine Health Data Organization and the Governor's Office of Health Policy and Finance shall provide the Joint Standing Committee on Health and Human Services and staff advance notice of the time and place of the meetings; and be it further

**Sec. 2. Duties of working group. Resolved:** That the working group under section 1 shall review current data being collected and identify additional data needed to provide transparency concerning operating expenses, including, but not limited to, annual operating budgets, income sources, profit-generating facilities, salary ranges by position, the value of transactions between hospitals and their affiliates and advertising. The working group shall identify all schedules, forms and methods needed for data collection as well as a deadline and a format for reporting the information to the Legislature; and be it further

**Sec. 3. Report recommendations. Resolved:** That, by January 1, 2010, the Maine Health Data Organization and the Governor's Office of Health Policy and Finance shall report to the Joint Standing Committee on Health and Human Services the findings and recommendations of the working

group under section 1, including any necessary implementing legislation; and be it further

**Sec. 4. Legislation. Resolved:** That, after receipt and review of the report and recommendations submitted pursuant to section 3, the Joint Standing Committee on Health and Human Services may submit legislation to the Second Regular Session of the 124th Legislature.

See title page for effective date.

## CHAPTER 67

### H.P. 84 - L.D. 100

#### **Resolve, To Direct the Department of Education and the Department of Health and Human Services To Implement Strategies To Increase the Provision of Oral Health Screenings to Preschool Children and Children Entering School**

**Sec. 1. Pilot programs to increase oral health screening. Resolved:** That the Commissioner of Health and Human Services, in consultation with the Commissioner of Education and pursuant to the Maine Revised Statutes, Title 20-A, section 6454, shall develop one or more pilot programs, providing screenings at a total of 3 sites, to evaluate the provision of oral health screenings for preschool children and children entering elementary school. Pilot programs must be implemented at a total of 3 sites. Prior to establishing a pilot program, the commissioners shall:

1. Review existing oral health programs and initiatives in the State and develop an inventory of these programs and the services provided;
2. Review mandatory health screenings in other states and research and evidence on the effectiveness of oral health screenings in schools;
3. Identify the costs of implementing an oral health screening program and potential funding sources for the program; and
4. Develop standards of practice for screenings and appropriate training for school personnel.

A pilot program must clearly provide that a student whose parents object to oral health screenings may not be screened; and be it further

**Sec. 2. Report to legislative committees on oral health pilot programs. Resolved:** That the Commissioner of Health and Human Services and the Commissioner of Education shall report on the devel-

opment and implementation of pilot programs authorized under section 1 to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Education and Cultural Affairs no later than February 15, 2010. Using information obtained from the pilot programs, the commissioners shall include in the report the standards of practice developed for screenings, a description of the training needed to conduct the screenings and an estimate of the need for treatment for students without access to dental services. The report must also include an account of expenditures to implement the pilot programs; and be it further

**Sec. 3. Authority to submit legislation. Resolved:** That the Joint Standing Committee on Education and Cultural Affairs may submit legislation to the Second Regular Session of the 124th Legislature pertaining to the provision of oral health screenings for preschool and elementary school students; and be it further

**Sec. 4. Authorization to use grant funds. Resolved:** That, notwithstanding the Maine Revised Statutes, Title 22, section 2128, subsection 5, funds from the Maine School Oral Health Fund may be used to implement pilot programs in accordance with this resolve. No more than \$10,000 from the fund may be used to implement the pilot programs, including the cost of administration, coordination and evaluation of the pilot programs.

See title page for effective date.

## CHAPTER 68

### H.P. 608 - L.D. 877

#### **Resolve, To Review the Maine Registry of Certified Nursing Assistants**

**Sec. 1. Convene working group. Resolved:** That the Department of Health and Human Services shall convene a working group to examine and make recommendations for changes to the current law prohibiting an individual from employment as a certified nursing assistant in certain settings if the individual has been convicted of a crime involving abuse, neglect or misappropriation of property in a health care setting. The working group must include representatives of the department, the long-term care ombudsman program, advocates for victims of sexual assault, law enforcement officials, direct care workers and employers. At least one member of the working group must have expertise in the Maine Criminal Code; and be it further

**Sec. 2. Review. Resolved:** That the working group under section 1 shall review the list of crimes that preclude an individual from employment as a cer-