

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 28, 2011

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

Augusta, Maine
2011

Whereas, there are currently 30,000 individuals in Maine with Alzheimer's disease or a related dementia and the number will grow to over 45,000 by 2025; and

Whereas, due to the nature of Alzheimer's disease and related dementias many of these individuals will require long-term care at some point during their illnesses; and

Whereas, it is necessary to ensure a well-trained and capable long-term care workforce as soon as possible; 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. Working group to review dementia training needs of long-term care providers.

Resolved: That the Department of Health and Human Services shall establish within existing resources a working group of stakeholders to review the current and future dementia training needs of long-term care providers. The working group must include a representative from the department's Office of Elder and Adult Services, a representative of the department's Office of Adult Mental Health Services, a representative of individuals with dementia, a representative of the long-term care ombudsman program created under the Maine Revised Statutes, Title 22, section 5106, a representative of long-term care facilities, a representative of assisted living facilities, a representative of providers of home health care and other interested parties. The working group shall assess the current and future training needs of providers of long-term care and shall make recommendations to the Commissioner of Health and Human Services. The commissioner shall report on the work and recommendations of the working group to the Joint Standing Committee on Health and Human Services by November 30, 2011.

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

Effective April 27, 2011.

CHAPTER 29

H.P. 506 - L.D. 679

Resolve, To Leverage Federal Opportunities for Job Creation in Maine

Sec. 1. Review by department. Resolved: That the Department of Economic and Community Development shall review federal initiatives and pending federal legislation that promote the development of new employment, particularly employment in the manufacturing sector. The department shall identify initiatives to be undertaken on a state and local level that have the potential to leverage federal funding, including but not limited to:

1. Enhanced tax increment financing, including providing incentives to municipalities that provide tax increment financing to companies expanding under federal incentives;
2. Enhanced and expedited job training resources; and
3. Other incentives designed specifically to work to augment federal initiatives and leverage federal funding.

The department shall submit a report on its findings, including any necessary proposed legislation, to the Joint Standing Committee on Labor, Commerce, Research and Economic Development by December 1, 2011.

See title page for effective date.

CHAPTER 30

H.P. 302 - L.D. 376

Resolve, To Complete the Timely and Appropriate Redesign of Shared Living Services for Adults with Intellectual Disabilities and Autism

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

Whereas, shared living is an appropriate and cost-effective option for many adults with cognitive and intellectual disabilities and autism; and

Whereas, the Department of Health and Human Services began redesign efforts for a shared living program July 1, 2010 and booked savings in this program; and

Whereas, the initial redesign has occurred and substantial actions to clarify respective roles of administering agencies, host families and department employees have occurred; and

Whereas, portions of the redesign remain unresolved; and

Whereas, residential supports for over 450 individuals with intellectual disabilities and autism are critical services that require additional redefinition; 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. Redesign. Resolved: That the Department of Health and Human Services shall continue to work on the redesign of its shared living program that began July 1, 2010 with the stakeholder group that was established by the Commissioner of Health and Human Services. The redesign work must include the following:

1. The development of a tiered reimbursement system for host home providers that is within the limits of existing resources and that reflects the intensity of supports required by the individual, based on an objective needs assessment process;

2. Analysis of the efficacy and appropriateness of host families becoming providers of record under MaineCare rules and refinement and clarification of host families being defined as independent contractors;

3. Amendment of the rules regarding the MaineCare program home-based and community-based waiver to include a clear definition of shared living services; and

4. Review of the handbook and allocation of responsibilities that took effect October 1, 2010 to assess the progress in properly assigning tasks and responsibilities among host home providers, oversight agencies and case managers for the Department of Health and Human Services.

The Department of Health and Human Services shall provide progress reports to the Joint Standing Committee on Health and Human Services on the shared living program redesign by September 1, 2011 and December 15, 2011.

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

Effective May 9, 2011.

CHAPTER 31
H.P. 264 - L.D. 331

**Resolve, Regarding Legislative
Review of Portions of Chapter
895: Underground Facility
Damage Prevention
Requirements, a Major
Substantive Rule of the Public
Utilities Commission**

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 895: Underground Facility Damage Prevention Requirements, a provisionally adopted major substantive rule of the Public Utilities Commission 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 commission:

1. Removes all the commission's provisionally adopted changes to Chapter 895: Underground Facility Damage Prevention Requirements;

2. Replaces the definitions of "emergency" and "emergency excavation" in the rule with a definition of "emergency excavation" that is the same as the definition that appears in the Maine Revised Statutes, Title 23, section 3360-A, subsection 1, paragraph B;

3. Modifies the rule to provide that the period after which a Dig Safe System ticket must be renewed is 60 days and that the ticket may be renewed twice;

4. Modifies that part of the rule that governs the enforcement action procedure to change references to