

# 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.**

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**Augusta, Maine**  
**2011**

**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

"notice of probable violation" to a more neutral terminology, such as "notice of investigation," and references to "probable violation" to a more neutral terminology, such as "possible violation"; and

5. Removes the part of the current rule designated as Section 4(B)(1)(a) that requires each excavator performing work in an excavation area to notify the Dig Safe System so that the rule is consistent with the Maine Revised Statutes, Title 23, section 3360-A, subsection 3, paragraph F.

The commission is not required to hold hearings or undertake further proceedings prior to final adoption of the rule in accordance with this section.

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

Effective May 9, 2011.

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**CHAPTER 32**

**S.P. 222 - L.D. 732**

**Resolve, Directing the Public Utilities Commission To Adopt Rules Affecting Utility Deposits**

**Sec. 1. Deposits for new businesses started by owners of existing businesses with good credit histories. Resolved:** That the Public Utilities Commission shall by rule require a transmission and distribution utility to consider a business owner's prior credit history with another transmission and distribution utility when determining whether to require a deposit for service to a new business of that business owner as long as the business owner requests this consideration and provides permission for the other transmission and distribution utility to share the credit history information. The rules must require that the transmission and distribution utility consider the business owner's prior credit history with the other transmission and distribution utility in the same manner it would consider the prior credit history of a business owner located in its own service territory.

Rules adopted pursuant to this resolve are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

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**CHAPTER 33**

**S.P. 358 - L.D. 1183**

**Resolve, Directing the Maine Community College System To Extinguish Certain Easements**

**Sec. 1. Extinguishment of easements. Resolved:** That the Maine Community College System shall take all actions necessary to extinguish easement rights reserved by the Maine Community College System in any property that was conveyed by the Maine Community College System pursuant to Resolve 2007, chapter 116, section 1. Any action taken by the Maine Community College System in accordance with Resolve 2007, chapter 116, section 1 after March 15, 2011 but prior to the effective date of this resolve is retroactively authorized.

See title page for effective date.

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**CHAPTER 34**

**S.P. 364 - L.D. 1243**

**Resolve, To Direct the Bureau of Consumer Credit Protection To Recommend Changes to Credit Reporting Laws Concerning Paid Debts**

**Sec. 1. Paid debts and debt collectors. Resolved:** That the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection shall review the credit reporting debt collection laws concerning proper notification by debt collectors to credit reporting agencies when debtors have paid off a debt and the information has not been properly reported. The bureau shall clarify the obligations of debt collectors for reporting credit data to credit agencies and to consumers and recommend standards for fair treatment of consumers; and be it further

**Sec. 2. Reporting to the Legislature. Resolved:** That the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection shall report its findings under section 1, recommendations and suggested legislation to the Joint Standing Committee on Insurance and Financial Services by December 7, 2011. The committee may submit a bill related to the suggested legislation to the Second Regular Session of the 125th Legislature.

See title page for effective date.

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