

# 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**

the state property determined by an independent appraiser prior to any sale. The commissioner may list the state property for sale or lease with private real estate brokers at the state property's appraised value and negotiate sales or leases, solicit bids, sell directly to purchasers or enter directly into leases with tenants. The commissioner may reject any offers and may decline to seek any offers; and be it further

**Sec. E-7. Proceeds. Resolved:** That any proceeds from sales pursuant to this Part must be deposited into the Department of Administrative and Financial Services, Bureau of General Services' capital repair and improvement account for capital improvements or other account to benefit the statewide radio and network system under the Maine Revised Statutes, Title 5, section 1520 as designated by the commissioner; and be it further

**Sec. E-8. Repeal. Resolved:** That this Part is repealed June 30, 2016.

See title page for effective date.

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**CHAPTER 71**

**S.P. 452 - L.D. 1461**

**Resolve, To Implement the Recommendations of the Report on Services for Elders and Other Adults Who Need Long-term Home-based and Community-based Care**

**Preamble. Whereas,** as a result of legislation in the 124th Legislature, the Department of Health and Human Services engaged over 30 interested parties in a so-called "lean thinking" process that examined Maine's system of long-term services and supports; and

**Whereas,** this process resulted in a report to the Legislature that included recommendations and a specific Lean Implementation Plan; and

**Whereas,** the Lean Implementation Plan contains important changes and modifications that improve the efficiency, cost-effectiveness and quality of services delivered to consumers of long-term services; and

**Whereas,** it is the intent of the 125th Legislature to promote equity and optimize consumer use by streamlining the long-term care system into one structure that meets all long-term care needs within existing resources; now, therefore, be it

**Sec. 1. Plan adoption. Resolved:** That the Commissioner of Health and Human Services, within the limits of existing resources, shall adopt the Lean Implementation Plan effective July 1, 2012 and make

its action items a work priority. For the purposes of this resolve, "Lean Implementation Plan" means the plan developed as part of the report prepared for the 124th Legislature by the Department of Health and Human Services entitled "Services for Elders and Other Adults Who Need Long-Term Home- and Community-Based Care," dated January 20, 2010; and be it further

**Sec. 2. Elements. Resolved:** That the specific action items under section 1 include, but are not limited to:

1. Consolidating the 2 existing waivers for adult and elderly community-based services, currently codified under MaineCare rule as Chapter II, Section 19 and Section 22 and taking any appropriate action with the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to achieve the consolidation;

2. Consolidating the 2 personal care assistant programs currently codified under MaineCare rule as Chapter II, Section 12 and Section 96, exploring the feasibility of providing homemaker services under the consolidated programs and taking any appropriate action with the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to achieve the consolidation;

3. Consolidating the 2 state-funded in-home care and community support services programs for elderly and other adults, currently codified under Chapter 65, Section 63 of the Office of Elder Services manual and Chapter 11 of the Office of Cognitive and Physical Disabilities Services manual;

4. Developing a long-term care services statewide plan that ensures access to care in the least restrictive environment;

5. Maximizing federal opportunities available through the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services;

6. Consolidating the 3 existing consumer-directed service models into a single uniform self-directed model;

7. Maximizing individualization and flexibility of plan of care to ensure that appropriate and timely services are provided, including, but not limited to, allowing a care coordinator to make adjustments within a plan of care without requiring a new assessment as long as the net adjustment remains below the maximum value under the consumer's level of care;

8. Improving value and respect for direct care workers through initiatives that include, but are not limited to, creating strategy and standards for ensuring workforce training for all persons accountable to the long-term care system and exploring the feasibility of

equalizing hourly reimbursement rates across the direct care worker continuum; and

9. Designing and establishing effective quality management strategy across funding streams and population groups to ensure a high-quality long-term care service system; and be it further

**Sec. 3. Report. Resolved:** That the Commissioner of Health and Human Services shall report to the Joint Standing Committee on Health and Human Services on the progress of the Department of Health and Human Services in completing the Lean Implementation Plan action items under sections 1 and 2 by January 5, 2012.

See title page for effective date.

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## CHAPTER 72

### S.P. 341 - L.D. 1132

#### **Resolve, To Authorize the Exchange of Interest in Certain Lands Owned by the State**

**Preamble.** The Constitution of Maine, Article IX, Section 23 requires that real estate held by the State for conservation or recreation purposes may not be reduced or its uses substantially altered except on the vote of 2/3 of all members elected to each House.

**Whereas,** certain real estate authorized for conveyance by this resolve is under the designations described in the Maine Revised Statutes, Title 12, section 598-A; and

**Whereas,** the Director of the Bureau of Parks and Lands within the Department of Conservation may sell or exchange lands or interests in lands with the approval of the Legislature in accordance with the Maine Revised Statutes, Title 5, section 6209 and Title 12, sections 1814, 1837 and 1851; now, therefore, be it

**Sec. 1. Director of Bureau of Parks and Lands authorized, but not directed, to convey certain interests in land in Oxford County. Resolved:**

That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without covenant, for exchange of land or interests in land of comparable market value, and on such other terms and conditions as the director may direct, convey road access rights by easement to the owners of certain lands managed by Pingree Associates, Inc., along approximately 8,710 feet of the Lincoln Pond Road and approximately 990 feet of the Torpedo Junction Road in Township 5, Range 2, also known as Lincoln Plantation; along approximately 3,990 feet of the Richardson Pond Road in Township 4, Range 2, also known as Adamstown Township; and along approximately 29,160 feet of the South Arm Road and 2,912 feet of the Icicle Brook Road in

Township 4, Range 1, also known as Richardsontown Township, all in Oxford County.

See title page for effective date.

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## CHAPTER 73

### S.P. 86 - L.D. 280

#### **Resolve, Reauthorizing the Balance of the 2005 Maine Biomedical Research Fund and Marine Infrastructure and Technology Fund Bond Issues**

**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 Treasurer of State may not sell the remaining \$750,000 in bonds authorized but not yet issued from the \$8,000,000 Maine Biomedical Research Fund bond issue authorized by the voters in 2005 unless the Legislature reauthorizes the issuance of those bonds; and

**Whereas,** the Maine Technology Institute requires this \$750,000 in bonds to meet its obligations for previously authorized research and development projects with the University of Maine and nonprofit research laboratories; and

**Whereas,** the Treasurer of State may not sell the remaining \$150,000 in bonds authorized but not yet issued from the \$4,000,000 Marine Infrastructure and Technology Fund bond issue authorized by the voters in 2005 unless the Legislature reauthorizes the issuance of those bonds; and

**Whereas,** the Maine Technology Institute requires this \$150,000 in bonds to meet its obligations for previously authorized research and development projects with the University of Maine and nonprofit research laboratories; 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. Extension for issuing. Resolved:** That, pursuant to the provisions of the Constitution of Maine, Article IX, Section 14, the period for issuance of bonds or of bond anticipation notes authorized but unissued pursuant to Public Law 2005, chapter 462, authorized by the voters in a statewide election held on November 8, 2005, to support capital infrastructure and equipment for eligible institutions delineated in the Maine Revised Statutes, Title 5, section 13103 and