

# **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**

tion of the public peace, health and safety; now, therefore, be it

**Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 101, MaineCare Benefits Manual Chapter III, Section 21: Allowances for Home and Community Benefits for Members with Intellectual Disabilities or Autistic Disorder, a provisionally adopted major substantive rule of the Department of Health and Human Services that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective June 14, 2011.

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## CHAPTER 79

### H.P. 1128 - L.D. 1536

**Resolve, Directing the  
Commissioner of Professional  
and Financial Regulation To  
Conduct Meetings To Review  
the Issue of Compliance with  
the Laws Governing  
Guaranteed Price Home  
Heating Oil, Kerosene and  
Liquefied Petroleum  
Gas Contracts**

**Sec. 1. Commissioner of Professional and Financial Regulation to review options for reporting compliance with the laws governing guaranteed price home heating oil, kerosene and liquefied petroleum gas contracts. Resolved:** That the Commissioner of Professional and Financial Regulation shall convene a working group with interested parties to determine what information could be included in a report from dealers of home heating oil, kerosene and liquefied petroleum gas to the State that would demonstrate their compliance with the current law that requires dealers to secure their prepaid guaranteed price home heating oil, kerosene and liquefied petroleum gas contracts, pursuant to the Maine Revised Statutes, Title 10, section 1110, and to develop recommendations to improve the State's ability to ensure compliance with that law and with new reporting requirements that do not place any undue burden on the businesses involved; and be it further

**Sec. 2. Reporting date established. Resolved:** That, no later than January 15, 2012, the Commissioner of Professional and Financial Regulation shall submit a report of the findings and recom-

mendations of the working group convened under section 1 to the Joint Standing Committee on Labor, Commerce, Research and Economic Development. That committee is authorized to introduce a bill on the subject matter of the report to the Second Regular Session of the 125th Legislature.

See title page for effective date.

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## CHAPTER 80

### S.P. 373 - L.D. 1252

**Resolve, To Develop a Plan To  
Improve Public Guardianship  
Services to Adults with  
Cognitive Disabilities**

**Sec. 1. Stakeholder group for a working plan created. Resolved:** That the Maine Developmental Disabilities Council, as established in the Maine Revised Statutes, Title 34-B, section 17001, referred to in this resolve as "the council," shall convene a stakeholder group to develop a working plan for a program for the transition, beginning July 1, 2012, of public guardianship responsibilities for adults with cognitive disabilities from the Department of Health and Human Services to an entity independent of that agency for a transition to begin by July 1, 2012. The council shall invite at least one representative from each of the following organizations:

1. The Disability Rights Center;
2. Speaking Up for Us of Maine, a self-advocacy organization;
3. The Department of Health and Human Services, Office of Advocacy, established in Title 34-B, section 5005;
4. The Department of Health and Human Services, Office of Adults with Cognitive and Physical Disability Services;
5. The Office of the Attorney General;
6. The Maine Developmental Services Oversight and Advisory Board, established in Title 34-B, section 1223;
7. The Maine Association for Community Service Providers; and
8. The Maine Probate Judges Assembly; and be it further

**Sec. 2. Duties. Resolved:** That the stakeholder group shall investigate and develop a plan for the Department of Health and Human Services to separate the service coordination for individuals with cognitive disabilities function from the public guardianship function for individuals who are wards of the State and shall include in its findings:

1. Information regarding models used in other states, including New Hampshire, for independent administration of public guardianship;
2. Recommendations for the model the group determines is the most appropriate for implementation in this State;
3. A work plan for transition to the new model to begin July 1, 2012;
4. Necessary statutory changes and the fiscal implications of those changes to enable the implementation of this model; and
5. The feasibility of merging the correspondent program overseen by the Maine Developmental Services Oversight and Advisory Board under the Maine Revised Statutes, Title 34-B, section 1223 with public guardianship responsibilities under the proposed model; and be it further

**Sec. 3. Report to the Commissioner of Health and Human Services.** **Resolved:** That the council shall report the working plan of the program to the Joint Standing Committee on Health and Human Services by January 15, 2012, with suggested implementing legislation. The joint standing committee may submit a bill to the Second Regular Session of the 125th Legislature.

See title page for effective date.

## CHAPTER 81

### H.P. 1102 - L.D. 1501

#### Resolve, To Reduce Opioid Overprescription, Overuse and Abuse

**Sec. 1. Work group on prescribing opioid drugs for chronic, noncancer-related pain.** **Resolved:** That the Substance Abuse Services Commission, as established in the Maine Revised Statutes, Title 5, section 12004-G, subsection 13-C and referred to in this resolve as "the commission," shall convene a work group of commission members and public and private stakeholders, referred to in this resolve as "the work group," to review and make recommendations for improvements in how physicians and other prescribers treat patients in chronic, noncancer-related pain without causing addiction or diversion.

**1. Tasks.** The work group's tasks include, but are not limited to:

- A. Review of current efforts in the State aimed at preventing addiction and diversion;

- B. Examination of similar efforts in other states, including Washington State, which in 2010 enacted comprehensive legislation on this subject;
- C. Consideration of additional tools that could lead to decreased abuse while not unduly restricting access to adequate pain control; and
- D. Consideration of enhancements to the Controlled Substances Prescription Monitoring Program established in the Maine Revised Statutes, Title 22, section 7248.

**2. Chair; membership.** The commission shall appoint a chair of the work group from among the work group members. The membership of the work group must include representatives appointed or invited to participate by the commission from all of the following state agencies, advocacy organizations and the public:

- A. Licensing boards of licensees who prescribe narcotics;
- B. Representatives of professional associations representing the major health professions that prescribe controlled substances;
- C. The Maine Hospice Council, established in the Maine Revised Statutes, Title 22, section 8611;
- D. Representatives of licensed pharmacies; and
- E. Representatives of the Department of Health and Human Services, Office of MaineCare Services, the Maine Hospital Association, specialists in substance abuse treatment and services, specialists in the treatment of addiction and specialists in the treatment of pain.

**3. Funding.** The commission shall fund the work of the work group from within existing resources.

**4. Report.** The commission shall report the findings and any recommendations of the work group to the Joint Standing Committee on Health and Human Services not later than December 1, 2011.

See title page for effective date.

## CHAPTER 82

### H.P. 563 - L.D. 756

#### Resolve, To Examine Cyber Security and Privacy Issues Relating to Smart Meters

**Sec. 1. Examination of cyber security and privacy issues relating to smart meters.** **Resolved:** That the Public Utilities Commission shall examine current cyber security and privacy requirements that exist under federal and state law, rules and utility policies and practices that apply to transmission