

# 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**

equipment, for information systems, for communications systems and for parking lots and garages must be excluded from the cost of the project in determining whether it is subject to review and prior approval. When capital costs subject to review exceed \$350,000 in one fiscal year, residential care facilities must submit plans, financial proposals and projected operating costs to the department for approval in order for costs to be reimbursed. The rules must require that, for an energy efficiency improvement to be reimbursable, the energy efficiency improvement is recommended as a cost-effective energy efficiency improvement in an energy audit or is determined to be cost-effective by the Efficiency Maine Trust established in the Maine Revised Statutes, Title 35-A, section 10103. The Department of Health and Human Services shall consult with the Efficiency Maine Trust in the amendment of the rules. The rules requiring modification are Chapter 115: Principles of Reimbursement for Residential Care Facilities - Room and Board Costs in Section 20.21(e) relating to energy efficiency improvements and Section 20.5 relating to new construction, acquisitions and renovations. The changes to the rules must be adopted on an emergency basis to be effective immediately upon adoption.

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

Effective July 8, 2011.

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## CHAPTER 107

### H.P. 711 - L.D. 967

#### Resolve, To Study the Cost of Providing Behavioral Health Care and Substance Abuse Services

**Sec. 1. Review of emergency department usage. Resolved:** That the Department of Health and Human Services, referred to in this resolve as "the department," shall consult with agencies and entities that possess relevant data regarding usage of hospital services and shall determine, on an annual basis, the number and percentage of persons who present at hospital emergency departments with behavioral health or substance abuse issues and the number and percentage of persons who present at hospital emergency departments for only behavioral health or substance abuse issues and the number and percentage of those persons who could be served through more appropriate community-based services; and be it further

**Sec. 2. Work with stakeholders. Resolved:** That the department shall work with a broad group of stakeholders to determine the reasons that persons present at hospital emergency departments for only

behavioral health or substance abuse issues, the barriers to care that prevent them from seeking care from more appropriate community-based services and the estimated potential cost savings associated with shifting care from hospital emergency departments to community-based services; and be it further

**Sec. 3. Review best practice models. Resolved:** That the department shall review best practice models for training emergency department personnel, for triage to determine appropriate care settings and, when appropriate, for diverting care to community-based services for persons who present for only behavioral health or substance abuse issues. The department shall pay special attention to consumer preference; peer support services; sharing of assessments, information and records among community-based services and hospitals; licensing, regulatory and contractual changes required for diversion to community-based services; and innovations to address the requirements of the federal Emergency Medical Treatment and Active Labor Act; and be it further

**Sec. 4. Report; recommendations. Resolved:** That, by June 1, 2012, the department shall report to the Joint Standing Committee on Health and Human Services recommendations for augmented community-based services, including peer support services, in at least 2 different best practice models for service delivery that could be funded by the cost savings identified in section 2 resulting from diversion from hospital emergency departments of cases better served through community-based services.

See title page for effective date.

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## CHAPTER 108

### H.P. 638 - L.D. 841

#### Resolve, To Establish the Blue Ribbon Commission on Affordable Housing

**Sec. 1. Commission established. Resolved:** That, notwithstanding Joint Rule 353, the Blue Ribbon Commission on Affordable Housing, referred to in this resolve as "the commission," is established; and be it further

**Sec. 2. Commission membership. Resolved:** That the commission consists of the following 17 members appointed as follows:

1. Two members from the Senate, appointed by the President of the Senate. In making these appointments, the President shall give preference to a member of the Joint Standing Committee on Labor, Commerce, Research and Economic Development;

2. Two members from the House of Representatives, appointed by the Speaker of the House of Repre-

sentatives. In making these appointments, the Speaker shall give preference to a member of the Joint Standing Committee on Labor, Commerce, Research and Economic Development;

3. The Executive Director of the Maine State Housing Authority or the executive director's designee;

4. The Commissioner of Economic and Community Development or the commissioner's designee;

5. One representative of a statewide group dedicated to providing affordable housing, appointed by the Speaker of the House;

6. One representative of a statewide nonprofit group advocating on behalf of seniors, appointed by the Speaker of the House;

7. One representative of an organization practicing conservation planning, appointed by the Speaker of the House;

8. One representative of a statewide real estate organization, appointed by the Speaker of the House;

9. One representative of a developer of affordable housing, appointed by the Speaker of the House;

10. One representative of a statewide construction organization, appointed by the President of the Senate;

11. One representative who is an advocate for low-income persons, appointed by the President of the Senate;

12. One representative of a company producing modular housing, appointed by the President of the Senate;

13. One representative of a statewide supportive housing developer, appointed by the President of the Senate;

14. One representative of a provider of services to the homeless, appointed by the President of the Senate; and

15. One representative of the board of trustees of the Midcoast Regional Redevelopment Authority, appointed by the President of the Senate.

The commission shall invite the state director of the Maine office of the United States Department of Agriculture or the director's designee to participate; and be it further

**Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair of the commission and the first-named House of Representatives member is the House chair of the commission; and be it further

**Sec. 4. Appointments; convening of commission. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the commission. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business; and be it further

**Sec. 5. Duties. Resolved:** That the commission shall conduct a study of affordable housing policy in this State, review the status of housing in the State and develop a plan to maximize the investment of available resources and best meet the housing needs of the people of this State. The commission shall consider both single-family and multifamily housing.

1. In conducting its study, the commission shall:

A. Review current data and research on affordable housing among the New England states and nationally;

B. Assess the economic impact of affordable housing in this State;

C. Review innovative affordable housing programs in other states; and

D. Identify regulatory barriers to affordable housing.

2. The commission shall make recommendations to:

A. Make the most effective use of state and federal resources, including leveraging private investment;

B. Make the most effective use of the Housing Opportunities for Maine Program as established in the Maine Revised Statutes, Title 30-A, section 4852 to provide access to housing that is decent, safe and sound;

C. Improve the economy through a measurable increase in construction of affordable housing;

D. Address the housing needs of Maine's elderly;

E. Address the severe affordable housing shortage that leaves thousands homeless each year;

F. Preserve existing affordable housing, including preserving access to energy efficiency programs; and

G. Reduce emergency service expenditures by state and local government by creating permanent supportive housing for the homeless.

The recommendations must, to the fullest extent possible, build upon current efforts and include an estimate of the costs associated with implementing them; and be it further

**Sec. 6. Staff assistance. Resolved:** That, notwithstanding Joint Rule 353, and upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the commission; and be it further

**Sec. 7. Compensation. Resolved:** That the members of the commission who are Legislators are entitled to the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for necessary expenses incurred for their attendance at authorized meetings of the commission. Other members of the commission who are not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses incurred for their attendance at authorized meetings; and be it further

**Sec. 8. Report. Resolved:** That the commission shall submit its report, including the recommendations required by section 5, together with any necessary implementing legislation, to the Second Regular Session of the 125th Legislature no later than February 15, 2012. The report must be presented to the Joint Standing Committee on Labor, Commerce, Research and Economic Development, which may report out a bill to the Second Regular Session of the 125th Legislature; and be it further

**Sec. 9. Funding. Resolved:** That the commission shall seek funding contributions to fully fund the costs of the study. All funding is subject to approval by the Legislative Council in accordance with its policies. If sufficient contributions to fund the study have not been received within 30 days after the effective date of this resolve, no meetings are authorized and no expenses of any kind may be incurred or reimbursed; and be it further

**Sec. 10. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

**LEGISLATURE**

**Study Commissions - Funding 0444**

Initiative: Authorizes the expenditure of funding that may be received from outside sources for the Blue Ribbon Commission on Affordable Housing.

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
Personal Services	\$880	\$0
All Other	\$3,750	\$0

OTHER SPECIAL	\$4,630	\$0
REVENUE FUNDS TOTAL		

See title page for effective date.

**CHAPTER 109**

**H.P. 1076 - L.D. 1467**

**Resolve, To Evaluate the All-payor Claims Database System for the State**

**Sec. 1. Creation of working group. Resolved:** That the Department of Health and Human Services, referred to in this resolve as "the department," shall establish and convene a working group to evaluate options and actions available to improve the availability of and access to health care data and to examine the all-payor claims database system in the State; and be it further

**Sec. 2. Membership. Resolved:** That the Commissioner of Health and Human Services shall invite 17 persons to participate in the working group, as follows:

1. Two representatives of health insurance carriers;
2. Two representatives of health care providers, one member representing hospitals and one member representing physicians;
3. Two representatives of employers, one member representing a statewide health management coalition and one member representing a statewide chamber of commerce;
4. One representative of consumers;
5. One expert in both state and federal privacy laws;
6. One representative of the Maine Health Data Organization;
7. One representative of the Maine Health Data Processing Center;
8. One representative of Onpoint Health Data;
9. One representative of the Department of Administrative and Financial Services, Office of Information Technology;
10. One representative of HealthInfoNet;
11. One representative of the MaineCare program within the department;
12. One representative of the federal Medicare program;