

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

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;

13. One representative of the Office of the Attorney General; and

14. One representative of the Maine Quality Forum; and be it further

Sec. 3. Cochairs. Resolved: That the members of the working group shall select 2 of the members to serve as cochairs; and be it further

Sec. 4. Evaluation. Resolved: That the working group shall consider changes to the State's all-payer claims database system to improve the availability of and access to health care data by:

1. Reviewing the current structures of and relationships among the Maine Health Data Organization, the Maine Health Data Processing Center and Onpoint Health Data in order to evaluate the timeliness and effectiveness of the data received;

2. Reviewing the current purposes and uses of the data and limitations on access to the data and considering additional uses for the data and changes that might be necessary to achieve and facilitate additional uses;

3. Considering federal and state privacy and security laws regarding the use and release of protected health information, including policy and technical changes needed to allow increased access to protected health information and the feasibility of those changes; and

4. Considering the availability of the data, the most appropriate sources of the data and the cost of providing the data; and be it further

Sec. 5. Funding and staffing. Resolved: That the department shall provide staffing assistance to the working group through contracted professional services and shall seek outside nonstate funding to support staffing services and administrative costs for the working group. If adequate funding is not obtained, the working group may not convene or incur any expenses; and be it further

Sec. 6. Report. Resolved: That, by January 31, 2012, the department shall report the recommendations based on the findings and conclusions, determined by vote, of the working group, along with any recommended implementing legislation, to the Joint Standing Committee on Health and Human Services.

See title page for effective date.

Sec. 1. MaineCare Benefits Manual. Resolved: That the Department of Health and Human Services shall adopt rules to amend its Chapter 101: MaineCare Benefits Manual to permit neuropsychological testing assistants, also known as psychometricians, to administer and score neuropsychological and psychological tests of MaineCare patients under the supervision of a licensed psychologist. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 111

H.P. 1086 - L.D. 1477

Resolve, To Review Issues Dealing with Regulatory Takings

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 Committee to Review Issues Dealing with Regulatory Takings is established to study issues associated with property rights and the public welfare; and

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; 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. Committee established. Resolved: That, notwithstanding Joint Rule 353, the Committee to Review Issues Dealing with Regulatory Takings, referred to in this resolve as "the committee," is established; and be it further

Sec. 2. Committee membership. Resolved: That the committee consists of 11 members appointed as follows:

1. Two members of the Senate appointed by the President of the Senate, including one member from each of the 2 parties holding the largest number of seats in the Legislature;

2. Three members of the House of Representatives appointed by the Speaker of the House, including no more than 2 members from the party holding the largest number of seats in the Legislature;

CHAPTER 110

H.P. 940 - L.D. 1281

Resolve, To Ensure Cost-effective Services for Persons Needing Neuropsychological Testing