

MAINE STATE LEGISLATURE

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LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FOURTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
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Sec. 4. 22 MRSA c. 1475, as amended is repealed.

Sec. 5. Transitional provisions. The Maine Human Development Commission shall be the successor in every way to the powers, duties and functions of the former Maine Human Services Council, or any of its administrative units, except as otherwise provided by this Act.

1. Rules, regulations and procedures. All existing regulations in effect, in operation or promulgated in or by the Maine Human Services Council or in or by any administrative units or officers of the council, are hereby declared in effect and shall continue in effect until rescinded, revised or amended by the proper authority.

2. Contracts, agreements, compacts. All existing contracts, agreements and compacts currently in effect in the Maine Human Services Council shall continue in effect.

3. Personnel. Any position count, authorized and allocated subject to the Civil Service Law, to the former Maine Human Services Council shall be transferred to the Maine Human Development Commission or its successors and may continue to be authorized. Any employee, official or positions of such former agencies subject to the Civil Service Law on the effective date of this Act may be transferred to the reconstituted commission which replaces their former agency, and that employee or official shall continue employment after the effective date of this Act, without interruption of state service.

4. Records, property and equipment. All records, property and equipment previously belonging to or allocated for the use of the former Maine Human Services Council shall become, on the effective date of this Act, part of the property of the Maine Human Development Commission.

5. Funds and equipment transferred. Notwithstanding the Maine Revised Statutes, Title 5, section 1585, all accrued expenditures, assets, liabilities, balances of appropriations, transfers, revenues or other available funds in any account, or subdivision of an account, of any agency to be reallocated to another administrative unit as a result of this Act, shall be transferred to the proper place in an account for the commission, by the State Controller, upon recommendations of the commission's executive director, the State Budget Officer and upon approval by the Governor and Legislature. A proper accounting shall be made by activity within the account.

6. Implementation. The Maine Human Services Council shall assist the executive and legislative branches of State Government to facilitate implementation of this Act.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective July 11, 1989.

CHAPTER 577

S.P. 535 - L.D. 1470

An Act to Expand the Health Occupations Training Project

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, critical shortages of skilled workers in the State's health care industry have resulted in closing of beds in hospitals and other health care facilities; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 26 MRSA §§2151 and 2153 to 2155, as enacted by PL 1987, c. 777, §3, are amended to read:

§2151. Scope

This chapter establishes the Health Occupations Training Project which shall provide assistance to the State's health care facilities facing serious shortages of workers in certain health care occupations by combining the resources of existing federal and state job training programs.

§2153. Funding

Funding for this project may come from existing state and federal funds, an appropriation of new state funds and from funds provided by the participating institutions.

§2154. Project goals

The Health Occupations Training Project is a training strategy consisting to increase the supply of health care workers. The project consists of 3 parts that provide for:

1. Health care workers. An increased supply of certified nurses aides, home health care aides ~~and other similar occupations, including~~ licensed practical nurses, registered nurses and other support staff, through training and placement in jobs with competitive wages and benefits;

2. Allied health care workers. An increased supply of allied health care workers ~~for hospital technical jobs~~ through training of participants in the state job training system. For purposes of this chapter, the state job training system includes job training programs such as the Job Training Partnership Act ~~and~~; the Welfare, Employment, Education and Training Program; the Maine Training Initiative; the Additional Support for People in Retraining and Education Program; and programs administered by participating hospitals; and

3. Registered nurses. An increased supply of registered nurses through the provision of a government student loan payback plan ~~for new to recruit and retain~~ registered nurses who work for a health care facility in the State.

§2155. Training for health care occupations

Training for certified nurses aides, home health care aides ~~and other similar occupations, including~~ licensed practical nurses, registered nurses and other support staff shall be as follows.

1. Training delivery. Training delivery is as follows.

A. Job training services, which will be provided under the state job training system, shall be coordinated by the Department of Labor and the Department of Human Services job training programs. These services may include, but are not limited to, outreach, recruitment, orientation, selection, pre-occupational training, supportive services and needs-based stipends.

B. Skill training shall be provided by quality training providers such as the State's vocational-technical institutes.

2. Certification. Participants who complete training under this section shall receive a statewide certificate granted by the Department of Educational and Cultural Services with a curriculum approved pursuant to Title 32, section 2102, subsection 8.

3. Placement. The Department of Labor shall give priority in placement to employers who provide competitive wages, health care benefits and day care assistance.

Sec. 2. 26 MRSA §§2156 and 2157, as enacted by PL 1987, c. 777, §3, are repealed and the following enacted in their place:

§2156. Training for allied health occupations

Training delivery for allied health occupations, including x-ray technicians, medical and clinical technologists and surgical technicians, shall be as follows.

1. Job training services. Job training services, which will be provided under the state job training system, shall be coordinated by the Department of Labor and the Department of Human Services job training programs. These services may include, but are not limited to, outreach, recruitment, orientation, selection, pre-occupational training, supportive services and needs-based stipends.

2. Skill training. Skill training shall be provided by the Maine Vocational-Technical Institute System to participants who are either entering the field or are employed health care workers who want to upgrade their skills. Participants must be referred by the state job training system.

3. Local job training providers. The state job training system's local providers shall develop a proposal with a

vocational-technical institute, whereby the job training office shall provide recruitment, testing and assessment, counseling, support services and placement, and the vocational-technical institute shall provide the vocational training. These proposals shall be submitted to the Department of Labor for funding consideration. The local job training provider and the vocational-technical institute shall be encouraged to contribute local resources to help defray the cost of their proposal.

4. Marketing plan. The Commissioner of Human Services and the Commissioner of Labor, with input from health care providers, shall develop a statewide marketing plan to attract new people into the health care field.

§2157. Payback loans for registered nurses

1. Plan established. A government student loan payback plan for registered nurses, up to the amount of funds appropriated by the Legislature for this purpose, is established. Any nursing home, hospital, home health agency or rural health clinic may pay for a registered nurse's government student loan used for nurses' training and be reimbursed for amounts paid out for the loans according to the methods set forth in subsection 2. Reimbursement shall not exceed amounts equal to the number of monthly payments of principal plus interest, based on a 10-year term of the loan, which reflects the actual number of months of employment at the institution.

2. Methods of repayment. Repayment of loans shall be as follows.

A. The Department of Human Services, by rule promulgated in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, shall make the repayment of government student loans for registered nurses a reimbursable cost, based upon Medicaid utilization of services provided by health care facilities. The Department of Human Services shall exempt these reimbursements for student loans from any cost limits established under Medicare pursuant to 42 Code of Federal Regulations, Section 447.252 (c) or any other reimbursement limits imposed by the department on nursing homes, rural health clinics and home health agencies.

(1) Hospitals may participate in this plan on a voluntary basis by paying back the government student loans as they accrue on behalf of the participating registered nurses while employed at the facilities. Adjustments shall be made to the hospital's financial requirements pursuant to Title 22, section 396-D.

(2) Nursing homes, rural health clinics and home health agencies may participate in this plan on a voluntary basis by paying back the government student loans as they accrue on behalf of the participating registered nurses while employed at the facilities. These health care providers shall be reimbursed by the

Department of Human Services pursuant to rules promulgated for this purpose.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective July 11, 1989.

CHAPTER 578

H.P. 1047 - L.D. 1458

An Act to Clarify the Borrowing Authority of the University of Maine System

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, there has been uncertainty concerning the intent of the Legislature in granting certain borrowing authority to the Board of Trustees of the University of Maine System; and

Whereas, this uncertainty has led to commitments and undertakings which are contrary to the intent of the Legislature in the granting of borrowing authority; and

Whereas, it is important that any uncertainty be resolved, and the authority clarified before any further commitments or undertakings are made; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA §10952, sub-§7, as enacted by PL 1987, c. 735, §14, is amended to read:

7. Borrow money. To borrow money pursuant to this chapter and issue evidences of indebtedness to finance the acquisition, construction, reconstruction, improvement or equipping of any one project, or more than one, or any combination of projects, or to refund evidences of indebtedness hereafter issued or to refund general obligation debt of the State previously issued to finance any project or projects, or to refund any such refunding evidences of indebtedness or for any one, or more than one, or all of those purposes, or any combination of those purposes, and to provide for the security and payment of those evidences of indebtedness and for the rights of the holders of them, except that any borrowing pursuant to this chapter, exclusive of borrowing to refund evidences of indebtedness, to refund general obligation debt of the State, or to fund issuance costs or necessary reserves, shall not exceed in the aggregate principal amount outstand-

ing at any time \$18,000,000, and except that no borrowing may be effected pursuant to this chapter unless the amount of the borrowing and the project or projects are submitted to the Legislative Office of Fiscal and Program Review for review by the Joint Standing Committee on Appropriations and Financial Affairs at least 60 days before closing on such borrowing for the project or projects is to be initiated;

Sec. 2. 20-A MRSA §10953, sub-§3, as enacted by PL 1987, c. 735, §14, is amended to read:

3. Refund evidences of indebtedness. To refund evidences of indebtedness issued pursuant to this chapter or to refund general obligation debt of the State issued previously to finance any project or projects; or

Sec. 3. 20-A MRSA §10954, sub-§2, as enacted by PL 1987, c. 735, §14, is amended to read:

2. Refund evidences of indebtedness. To refund evidences of indebtedness issued and to finance the cost of any project or projects as provided in this chapter or to refund general obligation debt of the State issued previously to finance any project or projects; or

Sec. 4. 20-A MRSA §10959, as enacted by PL 1987, c. 735, §14, is amended to read:

§10959. Refunding indebtedness

Pursuant to sections 10953 to 10955, the university may enter into financing transactions and issue evidences of indebtedness for the purpose of refinancing obligations or evidences of indebtedness issued under this chapter or to refund general obligation debt of the State issued previously to finance any project or projects, including the payment of any redemption premium on the evidences of indebtedness or general obligation debt of the State and any interest accrued or to accrue to the date of redemption of those obligations, and if deemed advisable by the university for the additional purpose of construction or enabling the construction of improvements, extensions, enlargements or additions of the project or projects in connection with which the obligations to be refunded shall have been issued. The university's refunding authority shall include authority to borrow and issue evidences of indebtedness for the combined purpose of refunding any evidences of indebtedness issued under this chapter then outstanding or refunding general obligation debt of the State issued previously to finance any project or projects, including the payment of any redemption premium on the evidences of indebtedness or general obligation debt of the State and any interest accrued or to accrue to the date of redemption of those obligations, and paying all or any part of the cost of acquiring or constructing or enabling the acquisition or construction of any additional project or projects or part of a project, or any improvements, extensions, enlargements or additions of any project or projects. The incurring of indebtedness for refunding purposes and the issuance of evidences of indebtedness in connection with the indebtedness, the maturities and other details, the rights and remedies of the holders and the rights, powers,