

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST SPECIAL SESSION

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
July 14, 1990

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
1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

5. Report, amendment and termination of trust.

The board shall file a report as follows.

A. The board shall report to the Legislature on a biennial basis concerning the activities of the trust. The report may be submitted as part of the research priorities statement required pursuant to section 13128, subsection 1.

B. In the event the board determines that the provisions of the trust should be amended, the board shall make appropriate recommendations to the Legislature in its biennial report.

C. The board may recommend in its biennial report that the trust be terminated if termination is determined to be appropriate by unanimous vote of the board. In the event that the Legislature terminates the trust, the principal and operating funds are disbursed in a manner consistent with the purpose of the trust.

See title page for effective date.

CHAPTER 904

H.P. 1398 - L.D. 1934

An Act to Provide Access to Preventive Dental Care Services to Adults Eligible for Medicaid

Be it enacted by the People of the State of Maine as follows:

22 MRSA §3174-F, sub-§2, as enacted by PL 1989, c. 502, Pt. A, §72, is repealed and the following enacted in its place:

2. Demonstration project. The department shall promptly take all appropriate steps to obtain necessary waivers from the federal Department of Health and Human Services that enable the State to provide within the limits of available funds, on a demonstration basis, comprehensive dental services to Medicaid-eligible individuals who are 21 years of age or older in public or private, nonprofit clinic settings. The department's goal in pursuing these waivers is to determine whether providing services in these settings promotes cost effectiveness or efficiency or promotes other objectives of the federal Social Security Act, Title XIX.

By January 15, 1991, the department shall report to the joint standing committee of the Legislature having jurisdiction over health matters regarding the progress of its efforts under this subsection. The report must outline the department's progress and recommend further action required in pursuit of this demonstration project.

See title page for effective date.

CHAPTER 905

H.P. 1509 - L.D. 2089

An Act to Expand and Extend the Maine Managed Care Insurance Plan Demonstration Project

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

Whereas, the Department of Human Services currently administers 2 Maine Managed Care Insurance Plan Demonstration projects; and

Whereas, in addition to continuing the 2 existing projects, a 3rd project is necessary to increase program enrollment and to test the feasibility of the program in a variety of conditions and locations; 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:

22 MRSA §3188, sub-§1, as enacted by PL 1987, c. 349, Pt. H, §14, is amended to read:

1. Development of demonstration. The Department of Human Services shall develop, implement and administer the Maine Managed Care Health Insurance Plan Demonstration for individuals without health insurance in one urban ~~and~~ site, one rural site and one site as determined by the department. Expenditures may not be incurred relative to the development of the 3rd site unless resources other than the General Fund are received by the department for that purpose.

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

Effective April 24, 1990.

CHAPTER 906

H.P. 1336 - L.D. 1853

An Act to Facilitate the Admission and Treatment of Involuntary Patients by Community-based Mental Health Institutions

Be it enacted by the People of the State of Maine as follows:

34-B MRSA §3861, sub-§1, as enacted by PL 1983, c. 459, §7, is amended to read:

1. **Nonstate mental health institution.** The chief administrative officer of a nonstate mental health institution may receive for observation, diagnosis, care and treatment in the institution any person whose admission is applied for under any of the procedures in this subchapter.

A. The institution, any person contracting with the institution and any of its employees when admitting, treating or discharging a patient under the provisions of sections 3863 and 3864 under a contract with the department, for purposes of civil liability, must be deemed to be a governmental entity or an employee of a governmental entity under the Maine Tort Claims Act, Title 14, chapter 741.

B. Patients with a diagnosis of mental illness or psychiatric disorder in nonstate mental health institutions that contract with the department under this subsection are entitled to the same rights and remedies as patients in state mental health institutes as conferred by the constitution, laws, regulations and rules of this State and of the United States.

C. Before contracting with and approving the admission of involuntary patients to a nonstate mental health institution, the department shall require the institution to:

- (1) Comply with all applicable regulations;
- (2) Demonstrate the ability of the institution to comply with judicial decrees as those decrees relate to services already being provided by the institution; and
- (3) Coordinate and integrate care with other community-based services.

D. Beginning July 31, 1990, the capital, licensing, remodeling, training and recruitment costs associated with the start-up of beds designated for involuntary patients under this section must be reimbursed, within existing resources, of the Department of Mental Health and Mental Retardation.

See title page for effective date.

CHAPTER 907

H.P. 1346 - L.D. 1863

An Act to Amend the Laws Relating to the Purchase of Military Service Credits by Members of the Maine State Retirement System

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §17713, sub-§2, ¶A, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

A. If the member qualifies under section 17760, subsection 2, ~~paragraph D~~, contributions shall be calculated at the percentage rate required of active members during the period of time covered by the service in the armed forces applied to the member's earnable compensation during the first year as an employee after service in the armed forces, under the following terms and conditions:

- (1) If 2 or more percentage rates were in effect during the period of service in the armed forces, the highest percentage rate shall be used;
- (2) The minimum rate shall be 5%; and
- (3) Interest at a rate set by the board not to exceed regular interest by 2 or more percentage points shall be paid on the unpaid balance beginning January 1, 1976, or the date of attaining 15 years of creditable service, if later, to the date payment is completed.

Sec. 2. 5 MRSA §17713, sub-§2, ¶B, as enacted by PL 1985, c. 801, §§5 and 7, is repealed.

Sec. 3. 5 MRSA §17760, sub-§2, ¶E, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

E. A member who served in the armed forces at any time from August 5, 1964, to May 7, 1975 during any federally recognized period of conflict, as defined in Title 37-B, section 504, subsection 4, paragraph A-1, subparagraph (3), is entitled to service credit under this subsection if he begins membership before January 1, 1988.

Sec. 4. PL 1989, c. 702, Pt. F, §F-8 is enacted to read:

Sec. F-8. Voluntary programs; vacancies. Consistent with the voluntary cost savings program entered into between State Government and the various unions representing state employees, positions that become vacant as a result of participation in the voluntary employee incentive programs may not be utilized unless such action results in another vacancy. Any vacancy created by one of the above-mentioned actions may not be utilized without legislative approval, except where the failure to fill a specific vacancy would pose a direct threat to the health or safety of the public. Such approval may be requested in the next so-called new and expanded services budget.

The Department of Administration shall submit a list of all vacancies to be filled pursuant to the provisions of this section to the Joint Standing Committee on Appropriations and Financial Affairs by August 1, 1990.

See title page for effective date.