

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

SECOND SPECIAL SESSION

December 12, 1991 to January 7, 1992

SECOND REGULAR SESSION

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1992

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
1992

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

§3815. Arthur R. Gould School

1. Purpose. The Arthur R. Gould School, located at the Maine Youth Center, is devoted to the education and instruction of persons residing at the center.

2. Responsibility for maintaining school. The State, through the Department of Corrections, has the responsibility and expense of maintaining the school in compliance with all elementary and secondary state education requirements for public schools and private schools approved for tuition purposes established in Title 20-A.

3. School privileges. A person residing at the Maine Youth Center is eligible to attend the Arthur R. Gould School and receive education, vocational education, special education and alternative education services in accordance with all state and federal requirements.

4. Policy review council. The Commissioner of Corrections and the Commissioner of Education shall appoint a 7-member policy review council as authorized by Title 5, chapter 379.

A. The term of office is 3 years.

B. The initial appointments are as follows:

- (1) Three members for 3 years;
- (2) Two members for 2 years; and
- (3) Two members for one year.

C. Replacements for council members who do not complete their term of office are for the remainder of the unexpired term.

D. A Legislator may not serve on the council.

E. The council members must be representative of a broad range of professionals, parents and citizens interested in the education of students at the Arthur R. Gould School and include the parents of a current or former Arthur R. Gould School student. In addition, council members may include:

- (1) Professionals not employed by the Arthur R. Gould School who serve or have served students in a corrections setting;
- (2) Representatives of advocacy groups for children with special needs;
- (3) School administrative unit administrators or special education directors; and
- (4) Interested citizens.

F. The council must have access to the school, but may not participate in the administration of the day-to-day operations of the school.

G. The duties of the council include, but are not limited to:

- (1) Making annual recommendations to the superintendent and sending copies of the recommendations to the members of the joint standing committee of the Legislature having jurisdiction over education matters;
- (2) Making policy recommendations to the superintendent, the Commissioner of Education and the Commissioner of Corrections;
- (3) Reviewing policy development by the superintendent;
- (4) Reviewing the implementation of policy;
- (5) Reviewing staff recruitment, retention, promotion and evaluation policies and procedures;
- (6) Holding hearings for staff, parents, students, alumni, special education directors and the general public and otherwise soliciting the opinions of individuals in those groups concerning the operation and role of the school; and
- (7) Conducting exit interviews with staff members terminating employment with the school.

See title page for effective date.

CHAPTER 765

S.P. 793 - L.D. 1992

An Act Concerning Long-term Care Recipients

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

Sec. 1. 22 MRSA §1815-A is enacted to read:

§1815-A. Nursing home surcharge

In addition to the fee in section 1815, an application for a license to operate a nursing home must be accompanied by a nonrefundable surcharge of \$5 for each bed contained within the facility. The surcharge must be deposited in the General Fund.

Sec. 2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1992-93

HUMAN SERVICES, DEPARTMENT OF

Elder and Adult Services - Bureau of

All Other \$48,465

Provides funds for the long-term care ombudsman program.

See title page for effective date.

CHAPTER 766**H.P. 1494 - L.D. 2106****An Act Concerning Tribal Courts****Be it enacted by the People of the State of Maine as follows:**

Sec. 1. 30 MRSA §6209, sub-§1, ¶A, as amended by PL 1987, c. 756, §§1 and 2, is further amended to read:

A. Criminal offenses against a person or property for which the maximum potential term of imprisonment does not exceed 6 months and the maximum potential fine does not exceed \$500 \$1,000 and ~~which that~~ are committed on the Indian reservation of the respective tribe or nation by a member of either tribe or nation against another member of either tribe or nation or against the property of another member of either tribe or nation.

(1) ~~The Passamaquoddy Tribe and the Penobscot Nation shall also have the right to exercise exclusive jurisdiction separate and distinct from the State over criminal offenses against a person or property for which the maximum potential term of imprisonment is less than one year and the maximum potential fine does not exceed \$5,000 and which that are committed on the Penobscot Indian Reservation reservation of the respective tribe or nation by a member of the Penobscot Nation either tribe or nation, except when committed against another a person who is not a member of the Penobscot Nation either tribe or nation or against the property of another a person who is not a member of the Penobscot Nation either tribe or nation.~~

(a) This subparagraph is repealed on September 30, 1995. Before that date, the Penobscot Nation, the Passamaquoddy Tribe and the Department of the Attorney General may each submit written reports to the joint standing committee of the Legislature having jurisdiction over judiciary matters concerning the effect of this subparagraph;

Sec. 2. Effective date; certification. This Act is not effective unless, within 60 days of the adjournment of the Legislature, the Secretary of State receives written certification by the Governor and Council of the Penobscot Nation and the Joint Tribal Council of the Passamaquoddy Tribe that the nation and tribe have agreed to the provisions of this Act pursuant to 25 United States Code, Section 1725(e), copies of which must be submitted by the Secretary of State to the Secretary of the Senate and the Clerk of the House of Representatives; provided that in no event may this Act become effective until 90 days after the adjournment of the Legislature.

See title page for effective date, unless otherwise indicated.

CHAPTER 767**H.P. 1524 - L.D. 2153****An Act Regarding 24-hour Pilot Projects in Workers' Compensation Insurance****Be it enacted by the People of the State of Maine as follows:**

Sec. 1. 39 MRSA §23, sub-§1-A, ¶¶A and B, as enacted by PL 1991, c. 615, Pt. A, §23, are amended to read:

A. The Superintendent of Insurance shall adopt rules to enable employers and employees to enter into agreements to provide the employees with ~~workers' compensation medical payments benefits through comprehensive health insurance that covers health care benefits covering workplace injury and illness and nonworkplace injury and illness and other health care benefits in comprehensive pilot projects. The health care benefits may be provided by: organizations authorized to do business under Title 24; insurers or health maintenance organizations authorized to do business under Title 24-A; employee benefit plans; and benefit plans of employers who self-insure under this section.~~ The superintendent shall review all pilot project proposals and may approve a proposal only if it confers medical benefits upon injured employees substantially similar to benefits available under this Title. The superintendent shall revoke approval if the pilot project fails to deliver the intended benefits to the injured employees.

B. ~~The Notwithstanding the provisions of section 52, the comprehensive health insurance care benefits pilot project may provide for health care by a health maintenance organization or a allow for case management and cost control mechanisms, including the use of preferred provider organization or-~~