

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

FIRST SPECIAL SESSION

July 11, 1991 to July 18, 1991

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 9, 1991

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
1991

RESOLVES
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST SPECIAL SESSION

of the

ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

CHAPTER 50

S.P. 292 - L.D. 774

Resolve, to Establish the Commission on Comprehensive Energy Planning

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 State is faced with immediate and growing energy needs; and

Whereas, this resolve establishes a state commission to study comprehensive energy planning for the State; and

Whereas, the study must be initiated before the 90-day period expires in order that the study can 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. Commission established. Resolved: That the Commission on Comprehensive Energy Planning is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of the following 16 members: 3 Senators, appointed by the President of the Senate; 3 members of the House of Representatives, appointed by the Speaker of the House of Representatives; 4 other legislative members appointed jointly by the President of the Senate and the Speaker of the House of Representatives; the Director of the State Planning Office, or the director's designated representative; the Chair of the Public Utilities Commission, or the chair's designated representative; the Public Advocate, or the Public Advocate's designated representative; the Commissioner of Transportation, or the commissioner's designated representative; the Commissioner of Conservation, or the commissioner's designated representative; and the Commissioner of Environmental Protection or the commissioner's designated representative. At least 3 of the 10 legislative members must be members of the minority party. The commission shall, by a vote of 2/3 of all members, elect a chair, who must be a legislative member; and be it further

Sec. 3. Appointments; meetings. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The Executive Director of the Legislative Council must be

notified by all appointing authorities once the selections have been made. The Chair of the Legislative Council shall call the first meeting of the commission no later than 30 days after the appointment of members; and be it further

Sec. 4. Duties. Resolved: That the commission shall develop a comprehensive energy plan for the State. The plan must include:

1. An assessment of the future demand for energy in the State under a variety of scenarios regarding energy prices and anticipated conservation and cogeneration measures;

2. A study of the various options available to the State to meet growing needs for energy and energy transmission, including, but not limited to, least-cost energy planning, conservation, energy efficiency, cogeneration, small power production, purchases from Canada and utility-sponsored generation. This study should examine predicted cost, reliability, environmental impact within the State and environmental costs, otherwise known as externalities, for each option;

3. An analysis of the State's energy situation in the context of regional power arrangements and agreements; and

4. Recommendations to the Governor and to the Legislature based on the findings of the commission including a recommendation for instituting a process whereby the State may update and evaluate in an ongoing manner its comprehensive energy planning; and be it further

Sec. 5. Process. Resolved: That, in conducting the study, the commission may:

1. Hold several public hearings, at least 3 of which must be held outside the State House complex in locations geographically distributed throughout the State;

2. Create subcommittees or advisory groups as the committee considers appropriate;

3. Request assistance from any individual, agency, organization or other entity as the committee considers appropriate; and

4. Adopt by 2/3 vote of all members, procedures for conducting the commission's business; and be it further

Sec. 6. Staff assistance. Resolved: That the State Planning Office shall staff the commission. The commission may request additional staff assistance from state agencies as the commission considers appropriate. The commission shall request assistance with the preparation of any recommended legislation from the Legislative Council; and be it further

Sec. 7. Reimbursement. Resolved: That the members of the commission who are Legislators are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, for each day's attendance at commission hearings; and be it further

Sec. 8. Report. Resolved: That the commission shall submit its report, which must be approved by 2/3 of the commission members, together with any necessary implementing legislation, to the Second Regular Session of the 115th Legislature and to the Joint Standing Committee on Utilities no later than November 1, 1991.

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

Effective July 30, 1991.

CHAPTER 51

S.P. 538 - L.D. 1436

Resolve, Relating to Medicaid Rules Governing Services to Persons with Mental Retardation

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 stability of the work force in community-based programs providing services to persons with mental retardation is critical to effectiveness of those programs in enabling such persons to maintain themselves in the community; and

Whereas, funding has been appropriated to improve staff retention in intermediate care facilities serving persons with mental retardation; and

Whereas, the wage scales in other community-based programs providing services to persons with mental retardation are substantially lower than those in both intermediate care facilities and State Government for the same or equivalent jobs; and

Whereas, a serious staff retention problem exists in many community-based programs providing services to persons with mental retardation, including day programs, supported employment programs, foster homes, boarding homes and supported living programs; and

Whereas, there is a need for immediate action to assess the nature and scope of the problem and to develop a plan to address it; 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

Rules. Resolved: That the Department of Human Services shall submit a report recommending, prior to implementation, any proposed changes in Medicaid rules or principles of reimbursement governing services to persons with mental retardation, except those relating to section 2 of the Medical Assistance Manual relating to nursing facilities that are currently being processed, pending finalization of current interdepartmental negotiations relating to the transfer of responsibilities regarding services for persons with mental retardation to the Department of Mental Health and Mental Retardation by January 15, 1992. The report must also address the effect of freezing reimbursement rates at the fiscal year 1990-91 level as required by Public Law 1991, chapter 528, Part E, section 47 and the effect on wages and salaries for direct care and related staff of intermediate care facilities for the mentally retarded. The Department of Human Services shall report to the Joint Standing Committee on Human Resources and the Joint Standing Committee on Appropriations and Financial Affairs regarding the final agreements reached by January 15, 1992.

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

Effective July 30, 1991.