

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

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
1993

mental retardation service system that includes, but is not limited to, the following components:

1. Service options driven by consumer choice and funded through mechanisms that support consumer choice and mobility;
2. A continuous quality improvement system that ensures the safety and health of consumers, identifies consumer needs and measures consumer satisfaction;
3. A cost-benefit analysis of adopting performance-based principles of reimbursement for all community mental retardation services, except respite care and family support services, that are as consistent as practicable in their treatment of similar items. The cost-benefit analysis must include, but is not limited to, the cost of compensating direct service employees at a rate similar to that for employees in intermediate care facilities for persons with mental retardation. The cost-benefit analysis must also include, but is not limited to, the benefits of quality improvements, reduction in staff turnover and enhanced auditing practices;
4. A licensing system that offers a feasible alternative to licensure as an intermediate care facility for persons with mental retardation; and
5. A guardianship system that eliminates the conflict of interest that exists when the Department of Mental Health and Mental Retardation acts as both guardian and service provider for a consumer; and be it further

Sec. 2. Participation. Resolved: That the Department of Mental Health and Mental Retardation shall include consumers, family members and service providers in the development of the plan; and be it further

Sec. 3. Report. Resolved: That by January 15, 1995, the Department of Mental Health and Mental Retardation shall submit the plan to the joint standing committee of the Legislature having jurisdiction over human resources matters and to the Executive Director of the Legislative Council. The plan must include a recommended schedule for implementation; and be it further

Sec. 4. Committee bill. Resolved: That the joint standing committee of the Legislature having jurisdiction over human resources matters may report out a bill during the First Regular Session of the 117th Legislature to authorize all or part of the plan submitted by the Department of Mental Health and Mental Retardation pursuant to this resolve.

See title page for effective date.

CHAPTER 49

H.P. 1388 - L.D. 1887

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1994

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Whereas, Piscataquis County has certain expenses and liabilities that must be met as they become due; and

Whereas, it is necessary that the taxes for the year 1994 mentioned be immediately assessed in order to provide the required revenue for the county; 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. Piscataquis County; taxes apportioned. Resolved: That the following sum is granted as a tax on Piscataquis County to be apportioned, assessed, collected and applied to the purposes of paying debts and necessary expenses of the county as authorized in this resolve, and for other purposes of law, for the calendar year 1994:

1994 TAX

\$1,384,803

; and be it further

Sec. 2. General Fund expenditures authorized. Resolved: That the following sums, based on the county budget filed in the office of the Secretary of State, are authorized as General Fund expenditures by the county during the calendar year 1994, in the specific total amounts of expenditures for personal

services, contractual services, commodities and capital expenditures for each account in the county budget:

**APPROPRIATION
ACCOUNT NUMBER APPROPRIATIONS**

1000 - District Court	
Personal Services	\$6,760
1005 - Superior Court	
Personal Services	3,000
Contractual Services	5,000
1010 - Emergency Management Agency	
Personal Services	4,410
Contractual Services	3,975
Commodities	2,165
1015 - District Attorney	
Personal Services	41,194
Contractual Services	18,700
Commodities	2,700
Capital Expenditures	1,750
1020 - County Commissioners	
Personal Services	48,404
Contractual Services	17,660
Commodities	1,550
1025 - County Treasurer	
Personal Services	18,506
Contractual Services	4,300
Commodities	1,000
1030 - Labor Relations	
Contractual Services	10,000
1035 - Courthouse	
Personal Services	16,496
Contractual Services	17,400
Commodities	9,900
Capital Expenditures	5,000
1040 - Courthouse Annex	
Personal Services	11,683
Contractual Services	10,400
Commodities	6,500
1050 - Jail	
Personal Services	294,169
Contractual Services	75,500
Commodities	65,100
Capital Expenditures	1,700
1065 - Register of Deeds	
Personal Services	49,586
Contractual Services	34,575
Commodities	1,600
Capital Expenditures	500
1070 - Register of Probate	

Personal Services	46,351
Contractual Services	13,975
Commodities	2,700
Capital Expenditures	1,000
1075 - Sheriff	
Personal Services	251,568
Contractual Services	66,100
Commodities	7,000
Capital Expenditures	23,000
1076 - Tri-County Task Force	
Personal Services	66,485
1080 - Advertising and Promotion	
Contractual Services	3,000
1090 - Auditing	
Contractual Services	4,000
1095 - Debt Service	
Contractual Services	251,926
2000 - Interest Expense	
Contractual Services	5,500
2005 - Extension Service	
Personal Services	15,700
Contractual Services	4,400
Commodities	2,000
2025 - Employee Benefits	
Contractual Services:	
Social Security	67,000
Maine State Retirement System	25,100
Blue Cross - Blue Shield	235,000
Unemployment Compensation	9,000
Accrued Sick Leave	5,000
2045 - Program Grants	
Contractual Services:	
Womancare	1,600
Charlotte White Center	800
Little Red Schoolhouse	800
Penquis Community	
Action Program	4,500
Eastern Maine	
Development Corporation	6,080
Soil and Water Conservation	400
Heart of Maine	1,000
2050 - Insurances	
Contractual Services	<u>51,200</u>
TOTAL GENERAL FUND	\$1,963,368

; and be it further

Sec. 3. Summary. Resolved: That the figures appearing in this resolve represent the total amount of taxes and the total specific expenditures

authorized for the calendar year 1994. The following is a summary of revenues and appropriations:

Total Appropriations	\$1,963,368
Overlay	6,178

Available Credits:

Estimated Revenue	\$474,743	
Community Corrections	50,000	
Surplus Transfer	60,000	
Total Available Credits		584,743

Amount to be Raised by Taxation	\$1,384,803
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Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

Effective March 9, 1994.

CHAPTER 50

S.P. 677 - L.D. 1857

Resolve, Authorizing the Direct Purchase of the Desk, Chair and Credenza Used by John L. Martin as Speaker of the House of Representatives

Sec. 1. Purchase authorized. Resolved: That the Clerk of the House of Representatives shall offer for sale and Representative John L. Martin may purchase, at fair market value, the desk, chair and credenza that John L. Martin has used in his office as Speaker of the House of Representatives.

See title page for effective date.

CHAPTER 51

H.P. 1224 - L.D. 1643

Resolve, to Simplify the Schedule of Fees for Licenses Issued by the Department of Inland Fisheries and Wildlife

Sec. 1. Simplification of licenses and fees. Resolved: That the Department of Inland Fisheries and Wildlife shall prepare a proposal to computerize and to simplify the schedule of the licenses and fees administered by the department by combining licenses, eliminating stamps and using other means to reduce substantially the number of different licenses now sold; and be it further

Sec. 2. Report. Resolved: That the Department of Inland Fisheries and Wildlife shall submit draft legislation to the Legislature by January 1, 1995 that would implement the proposed computerized and simplified license and fee schedule developed under section 1.

See title page for effective date.

CHAPTER 52

H.P. 1256 - L.D. 1683

Resolve, Regarding the Development of a Medicare Volume Performance Standard Demonstration Project

Sec. 1. Medicare demonstration project. Resolved: That the Maine Medical Assessment Foundation is authorized to participate in a demonstration project to establish a Medicare performance standard for the State, to be known as the Maine Medicare Volume Performance Standard Demonstration Project.

1. Waiver request. The Department of Human Services shall request that the federal Department of Health and Human Services, Health Care Financing Administration grant a waiver for the purpose of establishing the Maine Medicare Volume Performance Standard Demonstration Project to release physicians in the State from participation under the current Medicare volume performance standard methodology and to substitute a state-level volume performance standard and methodology on a demonstration basis.

2. Project design. Under the project established under this section, practice and utilization pattern statistics for participating physicians in the State must be separated from the national statistics, the annual volume response of those physicians must be calculated for each year and Medicare fees for the following year must be calculated utilizing the federal default conversion factor formula. Maine Medical Assessment Foundation study groups must be convened and members must represent 80% or more of the conditions and procedures utilized by Medicare beneficiaries, including gastroenterology, cardiology, internal medicine, family practice, general surgery, cardiothoracic surgery, ophthalmology, orthopaedics, urology and radiology.

3. Administrative committee. The Maine Medicare Volume Performance Standard Demonstration Project shall have an administrative committee to oversee the project, document the methodology of the project, collect data, disseminate information to the study groups and evaluate the project.