

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 electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST SPECIAL SESSION
November 28, 1995 to December 1, 1995

SECOND REGULAR SESSION
January 3, 1996 to April 4, 1996

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 4, 1996

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
1995

Whereas, the group studying export financing services in the State was unable to complete its report within the time contemplated by Resolve 1995, chapter 17; and

Whereas, this legislation is necessary as an emergency measure to afford adequate time for the issues to be appropriately addressed by the study group; 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. Resolve 1995, c. 17, §5, first ¶, amended. Resolved: That Resolve 1995, c. 17, §5, first paragraph is amended to read:

Sec. 5. Reporting date. Resolved: That the study group shall submit a written report of its findings and recommendations, together with any implementing legislation on how to improve the availability of, and access to, export finance programs in Maine, to the joint standing committee of the Legislature having jurisdiction over business and economic development matters by ~~January~~ November 1, 1996 ~~and shall make an oral report to that committee by February 1, 1996.~~

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

Effective April 2, 1996.

CHAPTER 71

S.P. 647 - L.D. 1689

Resolve, That the Department of Human Services Convene a Task Force on Paperwork Reduction in Nursing Facilities

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

Whereas, nursing facility staff believe that the amount of paperwork and forms required for patient assessment and care in nursing facilities in this State detracts from the capacity of nurses to care for residents; and

Whereas, the time available for direct patient care in nursing facilities may be increased by coordi-

nating and decreasing the amount of paperwork required of nurses on the Minimum Data Set Plus case mix form, the Medical Eligibility Determination '94 form and any other forms required by state and federal agencies and insurance carriers for patient assessment, care and reimbursement; and

Whereas, coordination of these forms and paperwork is desirable for the benefit of residents of the nursing facilities of this State; 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. Task force. Resolved: That the Department of Human Services, referred to in this resolve as the "department," shall convene a task force on paperwork reduction in nursing facilities for the purpose of studying the problem of paperwork required for patient assessment, care and reimbursement and the survey process, referred to in this resolve as the "task force." The task force shall study the needs of the patient and family, the nursing and professional staff of the nursing facility, the department and any other interested parties and shall search for methods of meeting the legitimate needs of all parties in the most efficient, efficacious and collaborative manner possible; and be it further

Sec. 2. Membership. Resolved: That, by April 1, 1996, the Commissioner of Human Services shall name to the task force a representative of the long-term care ombudsman program and 5 representatives of the department, representing the Bureau of Elder and Adult Services, the Division of Benefits Management, the Division of Licensure and Certification, the Division of Financial Services and the Muskie Institute Center for Health Policy.

By April 1, 1996, the President of the Senate and the Speaker of the House shall each appoint 3 members of the task force from nominations submitted to them by individuals, associations and nursing facilities. The 3 members must be nurses employed and providing care in long-term care nursing facilities or nurses who represent those nurses. A member who is appointed by the President of the Senate or the Speaker of the House who qualifies at the time of appointment is not disqualified if during the time of service on the task force the member changes employment or status and that member may continue to serve for the duration of the task force. These appointed nurses shall name another nurse, similarly qualified, to serve as a full member of the task force and as chair.

Except the chair, any task force member who is unable to attend a task force meeting may be represented at the meeting by a person named by that member; and be it further

Sec. 3. Meetings; chair; confidential information. Resolved: That the task force shall meet by April 15, 1996 and after that date as necessary to accomplish its duties. All meetings of the task force are public meetings within the meaning of the Maine Revised Statutes, Title 1, chapter 13, subchapter I. All information confidential to a resident or nursing facility must be maintained as confidential by the task force. At the beginning of its work, the task force shall convene at least one meeting at which interested parties and the general public are invited to address the task force; and be it further

Sec. 4. Staffing. Resolved: That the department shall provide staffing assistance to the task force; and be it further

Sec. 5. Voluntary service. Resolved: That members of the task force serve without compensation or reimbursement of any type; and be it further

Sec. 6. Reports. Resolved: That the task force shall submit to the Joint Standing Committee on Human Resources an interim report by July 15, 1996 and a final report by November 15, 1996. The final report must contain suggestions for changes in rules and the necessary legislation to accomplish the recommendations of the task force. Changes in practice or amendment of departmental rule to accomplish the purposes of this resolve may be made prior to the final report date.

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

Effective April 3, 1996.

CHAPTER 72

H.P. 1310 - L.D. 1794

Resolve, Directing the Land and Water Resources Council to Take Steps Needed to Ensure Successful Implementation of State Land Use Law Reforms

Preamble. Whereas, the 116th Legislature established the Land and Water Resources Council, in part as a means to ensure coordinated, efficient and effective implementation of state land use and environmental laws; and

Whereas, by Resolve 1995, chapter 21, the 117th Legislature directed the Land and Water Resources Council to develop alternatives to the site location of development laws, which protect the environment, and to improve the effectiveness and efficiency of those laws; and

Whereas, in fulfilling its obligations under Resolve 1995, chapter 21, the Land and Water Resources Council recognizes the need to assess the impact of development sprawl on the fiscal resources of municipal and state government and the State's natural resources; now, therefore, be it

Sec. 1. Cost of development. Resolved: That the Land and Water Resources Council shall conduct a review of state, regional and municipal policies, programs and other activities that influence the cost of development, redevelopment and related public services and affect land use and development patterns. The Land and Water Resources Council shall recommend measures, such as impact fees, differential tax incentives and cumulative impact criteria that will encourage development patterns that are more compact and less costly to taxpayers; and be it further

Sec. 2. Report to the Legislature. Resolved: That the Land and Water Resources Council shall report recommendations made pursuant to section 1, including any proposed legislation, as part of its January 1997 annual report.

See title page for effective date.

CHAPTER 73

H.P. 1335 - L.D. 1829

Resolve, to Name a Portion of Highway in Millinocket in Honor of Prisoners of War and Those Designated as Missing in Action and to Name Portions of Roads That Follow the St. George River

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 erection of the sign designating part of Route 157 in Millinocket as a "POW-MIA Highway" will take place on Memorial Day; 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 preserva-