

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**September 5, 1996 to September 7, 1996**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 1996 to March 27, 1997**

**FIRST SPECIAL SESSION**  
**March 27, 1997 to June 20, 1997**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 26, 1997**

**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 1997**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1997**

industry; one representative of the Office of the State Fire Marshal; one representative of the Medicaid fraud unit of the Department of Human Services; one representative of the private bar; one representative of a hospital; and one representative of health care providers. Trade groups representing these interests may make recommendations to the Governor regarding appointees to the commission; and

2. Two Legislators, one of whom must be a Senator appointed by the President of the Senate and one of whom must be a Representative appointed by the Speaker of the House; 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. Within 15 days after the appointment of all members, the Chair of the Legislative Council shall call and convene the first meeting of the commission. The commission shall select a chair from among its members; and be it further

**Sec. 4. Duties. Resolved:** That the commission shall study the following issues:

1. The current statutory provisions governing insurance fraud in this State including the civil and criminal penalties available and the effectiveness of those provisions;

2. Any model legislation relating to insurance fraud proposed by the National Association of Insurance Commissioners and the laws concerning insurance fraud in other states; and

3. Any other issues concerning insurance fraud determined relevant to the study by the commission; and be it further

**Sec. 5. Staffing assistance. Resolved:** That the Bureau of Insurance shall provide staffing assistance to the commission. The Office of Policy and Legal Analysis may also serve as a resource to the commission; and be it further

**Sec. 6. Reimbursement. Resolved:** That the legislative members of the commission are entitled to legislative per diem and reimbursement for travel and other necessary expenses upon application to the Executive Director of the Legislative Council; and be it further

**Sec. 7. Meetings. Resolved:** That the commission may meet up to 5 times; and be it further

**Sec. 8. Report. Resolved:** That the commission shall submit its report and recommendations,

together with any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over insurance matters no later than January 1, 1998. If the commission requires an extension, it may apply to the Legislative Council, which may grant the extension; and be it further

**Sec. 9. Appropriation. Resolved:** That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1997-98

## LEGISLATURE

### Commission to Study Insurance Fraud

Personal Services	\$550
All Other	1,000

Provides funds for the per diem and expenses of legislative members and miscellaneous costs, including printing, of the Commission to Study Insurance Fraud.

TOTAL	\$1,550
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**Emergency clause.** In view of the emergency cited in the preamble, this resolve takes effect when approved.

Effective June 12, 1997.

## CHAPTER 78

S.P. 465 - L.D. 1437

### Resolve, to Study the State's Regional Service Center Communities

**Whereas,** the State's approximately 85 service center communities account for 75% of the State's jobs, 84% of its taxable retail sales and a majority of its social services; and

**Whereas,** these service center communities as a whole have been experiencing a long-term decline in population, a deterioration of infrastructure, a significantly higher-than-average property tax burden and a growing percentage of dependent populations; and

**Whereas,** the Legislature finds that these service center communities not only are essential to the

economic health of the State but also can play important roles in the efficient delivery of municipal and regional services; now, therefore, be it

**Sec. 1. Task force established. Resolved:**

That the Task Force on Regional Service Center Communities, referred to in this resolve as the "task force," is established to recommend ways of reversing the decline of the State's principal service center communities, as identified by the State Planning Office, and ways of strengthening them as centers of job creation and as centers for the delivery of critical services to surrounding regions; and be it further

**Sec. 2. Membership. Resolved:**

That the task force consists of the following members or their designees: the Director of the State Planning Office, the Commissioner of Economic and Community Development, the Commissioner of Public Safety, the Commissioner of Education, the Commissioner of Transportation, the Director of the Maine State Housing Authority, one Senator appointed by the President of the Senate, 2 members of the House of Representatives appointed by the Speaker of the House and 4 officials from service center communities appointed by the Governor; and be it further

**Sec. 3. Mission. Resolved:**

That the task force shall consider the obstacles to the continuing economic and social health facing the State's service center communities and recommend ways of strengthening these communities through strategies including, but not limited to, the following:

1. Preserving and enhancing their historic role as regional service center communities, encouraging cooperation among these service center communities and other political subdivisions in at least, but not limited to, the following areas:

- A. Business expansion and support;
- B. Economic development;
- C. Law enforcement training and services;
- D. Education and education funding;
- E. Infrastructure improvements; and
- F. Property taxation;

2. Investment in infrastructure, utilizing a municipal infrastructure trust fund and other financing mechanisms, to meet regional needs;

3. State tax and state-local funding policies;

4. Programs affecting the development and re-development of healthy neighborhoods, including housing, business development, public safety,

transportation, education and social services programs; and

5. Land use and environmental regulatory policies in service center communities.

The task force shall begin conducting its study within 30 days of the effective date of this resolve; and be it further

**Sec. 4. Outreach. Resolved:**

That the task force is encouraged to seek advice and input from county and municipal officials, representatives of business interests and any other parties the task force considers important to its study and to conduct task force meetings in various service center communities in the State; and be it further

**Sec. 5. Staff; compensation. Resolved:**

That within budgeted resources, the executive agencies identified in section 2 of this resolve shall provide staff assistance to the task force. Members of the task force are not entitled to compensation, except that Legislators serving on the task force are entitled to the legislative per diem for attendance at task force meetings; and be it further

**Sec. 6. Report. Resolved:**

That the task force shall submit a report of its findings and recommendations, including any necessary implementing legislation, to the Second Regular Session of the 118th Legislature by January 1, 1998. If the task force requires an extension, it may apply to the Legislative Council, which may grant the extension; and be it further

**Sec. 7. Appropriation. Resolved:**

That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

**1997-98**

**LEGISLATURE**

**Task Force on Regional  
Service Center Communities**

Personal Services	\$ 990
All Other	1,900

Provides funds for the per diem and expenses of legislative members and miscellaneous costs, including printing, of the Task Force on

Regional Service Center  
Communities.

TOTAL \$2,890

See title page for effective date.

## CHAPTER 79

### H.P. 431 - L.D. 581

#### **Resolve, to Establish the Commission to Determine the Adequacy of 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,** Maine public policy has resulted in the closure of Pineland Center, Maine's state-operated institution for individuals with mental retardation; and

**Whereas,** the Pineland Consent Decree provides for appropriate delivery of community-based services for former residents of Pineland Center, but does not address the needs of persons with mental retardation who have never resided at Pineland Center; and

**Whereas,** many Maine students with mental retardation graduate from public schools every year without access to community-based services, and private community-based agencies are experiencing long waiting lists for persons requiring both residential and day habilitation services; and

**Whereas,** the problems are compounded by the inability of private agencies to retain qualified staff because of their inability to offer competitive wages; and

**Whereas,** community-based private agencies must offer the necessary safety net for Maine's citizens with mental retardation; 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 to Determine the Adequacy of Services to Persons with Mental

Retardation, referred to in this resolve as the "commission," is established; and be it further

**Sec. 2. Commission membership. Resolved:** That the commission consists of 17 members as follows:

1. One member of the Senate and 2 members of the House of Representatives, of whom one member must be from the Joint Standing Committee on Health and Human Services and one member must be from the minority political party, all of whom are appointed jointly by the President of the Senate and the Speaker of the House of Representatives;

2. Two persons with mental retardation and 2 persons with mental retardation or family members of persons with mental retardation, appointed jointly by the President of the Senate and the Speaker of the House of Representatives from lists submitted by the Maine Developmental Disabilities Council, the Interdepartmental Committee on Transition, the Consumer Advisory Board and Speaking up for Us;

3. Four representatives of the provider community, 3 appointed jointly by the President of the Senate and the Speaker of the House of Representatives from lists submitted by the Maine Association of Rehabilitation Services and the American Network of Community Options and Resources and one provider of services in a solely owned foster home appointed by the Governor from nominations submitted to the Governor;

4. One representative of the Department of Mental Health, Mental Retardation and Substance Abuse Services, appointed by the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services;

5. One representative of the Department of Human Services, appointed by the Commissioner of Human Services;

6. One representative of the Department of Education, appointed by the Commissioner of Education;

7. One representative of the Interdepartmental Committee on Transition, appointed by the chair of the committee;

8. One independent human resources expert from the private sector, appointed by the Governor; and

9. One member of the public appointed by the Governor from nominations submitted to the Governor; and be it further

**Sec. 3. Convening of commission. Resolved:** That all appointments to the commission must be made no later than 30 days after the effective