

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

SECOND REGULAR SESSION
January 7, 1998 to March 31, 1998

SECOND SPECIAL SESSION
April 1, 1998 to April 9, 1998

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1998

SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 9, 1998

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
1997

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 Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II-A, requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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. Adoption. Resolved: That final adoption of Chapter 231: Rules Relating to Drinking Water, a provisionally adopted major substantive rule of the Department of Human Services, and submitted to the Legislature for review pursuant to the Maine Administrative Procedure Act, is authorized; and be it further

Sec. 2. Report; legislation. Resolved: That the Commissioner of Human Services shall monitor issues relating to the contamination of drinking water by methyl tertiary-butyl ether and report to the joint standing committee of the Legislature having jurisdiction over natural resources matters no later than January 1, 2000 with a recommendation on whether to retain or lower the maximum contaminant level for methyl tertiary-butyl ether. The joint standing committee of the Legislature having jurisdiction over natural resources matters may report out legislation to the Second Regular Session of the 119th Legislature regarding the maximum contaminant level for methyl tertiary-butyl ether.

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

Effective April 3, 1998.

CHAPTER 115

H.P. 1615 - L.D. 2241

Resolve, Regarding Legislative Review of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Living Facilities, a Major Substantive Rule of the Department of Human Services

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 Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II-A, requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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. Adoption. Resolved: That final adoption of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Living Facilities, a provisionally adopted major substantive rule of the Department of Human Services, and submitted to the Legislature for review pursuant to the Maine Administrative Procedure Act, is authorized, with the following amendments to the rule.

1. The rule must allow an individual, other than the resident, to voluntarily sign an agreement separate from the contract signed for admission that guarantees payment of the resident's expenses by the individual. If anyone other than the resident informs the assisted living facility that they wish to guarantee payment of the resident's expenses, that person may do so only in a written agreement separate from the contract signed for admission. This separate agreement must be provided to the guarantor of payment 2 days prior to the resident's admission and must plainly state that:

A. The individual should not sign the agreement unless the individual voluntarily agrees to be fi-

nancially liable for paying the resident's expenses with the individual's money;

B. The individual is not required to sign the document or accept the responsibility for payment unless the individual wishes to do so;

C. The individual may change the individual's mind within 48 hours of signing the agreement by notifying the facility that the individual wishes to revoke the agreement; and

D. The individual may call the long-term care ombudsman's program for an explanation of the individual's rights.

2. The rule must include a provision that the contract signed for admission of the resident may not require or encourage anyone other than the resident to obligate the resident for the payment of the resident's expenses.

3. The rule must provide that each contract signed for admission must contain a provision that provides for at least 60 days' notice prior to any changes in rates, responsibilities or services to be provided or any other items included in the contract.

4. The rule must provide that residents in congregate housing services programs who choose to relocate must give 10 days' advance notice in order to obtain a refund, except that residents who relocate for emergency medical treatment are not required to give 10 days' advance notice.

5. The rule must allow administrators 18 months from the effective date of the regulations for the licensing of residential care facility administrators or from the date of hire, whichever is later, to complete a training program approved by the Department of Human Services or to be licensed as a residential care facility administrator.

6. The rule must provide that the resident, the resident's legal representative and others chosen by the resident are required to be actively involved in the development of the service plan for the resident.

7. The rule must prohibit assisted living facilities from having more than 2 beds per room as of January 1, 2002.

8. The rule must provide that each assisted living facility develop a comprehensive disaster plan. The plan must include contingencies for the loss of power, heat, lights, water and sewage disposal, contingencies for long-term and short-term emergencies and, if the facility has no backup power source that can be used to continue operations of heat, lights, water and sewage disposal, contingencies for evacua-

tion that include contractual agreements with other agencies of facilities for temporary accommodations.

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

Effective April 3, 1998.

CHAPTER 116

H.P. 1630 - L.D. 2258

Resolve, Authorizing the Transfer of the Old Hancock County Jail on State Street, Ellsworth from Hancock County to the Ellsworth Historical Society

Sec. 1. Authorized to transfer property.

Resolved: That the Hancock County Commissioners are authorized to transfer and convey to the Ellsworth Historical Society, a Maine corporation, on consideration and reasonable reversionary terms the board of commissioners determines are proper and in the public interest, the land and buildings known as the Old Hancock County Jail and Sheriff's House on State Street, Ellsworth, Maine and particularly described as follows:

The brick building formerly used as the County Jail and Sheriff's residence, together with the land upon which it sits, and the paved entrance walk-way leading from the front entrance on the East side of the building to the city side walk, said side walk running parallel to and being part of State Street, said paved entrance walk-way being eighty-five (85) feet long and ten (10) feet wide containing eight hundred fifty square feet more or less.

See title page for effective date.
