

# 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.**

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

Provides funds for the per diem and expenses of legislative members of the Task Force to Increase Primary and Secondary Forest Product Manufacturing.

**LEGISLATURE  
TOTAL**

\$1,000

See title page for effective date.

**CHAPTER 128**

**H.P. 1544 - L.D. 2171**

**Resolve, to Implement the Interim Recommendations of the Task Force on State and Federal Tax Filing**

**Sec. 1. Resolve 1997, c. 66, §2, sub-§§4 and 5, amended. Resolved:** That Resolve 1997, c. 66, §2, sub-§§4 and 5 are amended to read:

4. Two members of the House of Representatives, one of whom represents the Joint Standing Committee on Taxation, appointed by the Speaker of the House; ~~and~~

5. One member of the Senate, appointed by the President of the Senate; ~~and~~

**Sec. 2. Resolve 1997, c. 66, §2, sub-§6, enacted. Resolved:** That Resolve 1997, c. 66, §2, sub-§6 is enacted to read:

6. One certified public accountant, appointed by the Governor.

**Sec. 3. Resolve 1997, c. 66, §§6 to 8, amended. Resolved:** That Resolve 1997, c. 66, §§6 to 8 are amended to read:

**Sec. 6. Reimbursement. Resolved:** That the members of the task force who are Legislators are entitled to receive the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2 and reimbursement for travel and other necessary expenses for attendance at meetings of the task force upon application to the Executive Director of the Legislative Council for those expenses. Members appointed to represent the business community and the member who is a certified public accountant may be reimbursed for expenses. Other members are not entitled to reimbursement of expenses; and be it further

**Sec. 7. Report. Resolved:** That the task force shall submit its report, which must include a plan to implement a single-form filing and payment system for state and federal taxes for use by small

businesses, together with any necessary implementing legislation, to the ~~Second~~ First Regular Session of the ~~118th~~ 119th Legislature no later than January 1, ~~1998~~ 1999. If the task force requires an extension, it may apply to the Legislative Council, which may grant the extension; and be it further

**Sec. 8. Meetings. Resolved:** That the task force may meet up to 4 times in 1997 and up to 4 times in 1998; and be it further

**Sec. 4. Retroactivity.** This resolve applies retroactively to January 1, 1998.

**Sec. 5. Appropriation. Resolved:** That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

**1998-99**

**LEGISLATURE**

**Task Force on State and Federal Tax Filing**

Personal Services	\$660
All Other	2,700

Provides funds for the per diem and expenses of legislative members and expenses of other members of the Task Force on State and Federal Tax Filing who are not state employees or representatives of the Internal Revenue Service.

**LEGISLATURE  
TOTAL**

\$3,360

See title page for effective date.

**CHAPTER 129**

**H.P. 1534 - L.D. 2161**

**Resolve, to Extend the Commission to Examine Rate Setting and the Financing of Maine's Long-term Care 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,** this resolve is necessary as an emergency measure to provide funding for the Commission

to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities to continue its work immediately following the Second Regular Session of the 118th Legislature; 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 1997, c. 81, §2** is amended to read:

**Sec. 2. Commission membership. Resolved:** That, except as provided in section 2-A, the commission consists of the following 15 members:

1. Two members of the Senate, appointed by the President of the Senate, one representing the majority party and one representing the minority party;

2. Two members of the House of Representatives, appointed by the Speaker of the House, one representing the majority party and one representing the minority party; and

3. Eleven other members appointed as follows:

A. The following members appointed by the Governor:

- (1) The chair, who must have experience with rate setting;
- (2) One representative of the Department of Human Services;
- (3) One representative of the Long-term Care Steering Committee;
- (4) One representative of the Maine Health and Higher Educational Facilities Authority; and
- (5) One representative of a commercial lending institution; and

B. The following members appointed jointly by the President of the Senate and the Speaker of the House of Representatives:

- (1) One representative of the long-term care ombudsman program;
- (2) One representative of the Maine Health Care Association;
- (3) One representative of the Maine Hospital Association;

(4) One representative of providers of long-term care services who is familiar with the principles of reimbursement;

(5) One representative of consumers of long-term care services who is familiar with the principles of reimbursement; and

(6) One representative of the American Association of Retired Persons; and be it further

**Sec. 2. Resolve 1997, c. 81, §2-A** is enacted to read:

**Sec. 2-A. Additional member. Resolved:** That, after the effective date of this section, the Speaker of the House of Representatives shall appoint one additional member of the commission who represents consumers of nursing facility services; and be it further

**Sec. 3. Resolve 1997, c. 81, §§3, 4 and 7** are amended to read:

**Sec. 3. Appointments; meetings. Resolved:** That, except as provided in section 2-A, 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 appointment of all members, the Chair of the Legislative Council shall call and convene the first meeting of the commission; and be it further

**Sec. 4. Duties. Resolved:** That the commission shall examine the following issues concerning long-term care facilities:

1. The setting of rates for the different payers ~~within the long term care system~~ for nursing facility services, including monthly charges and charges for resident services and supplies, and ensuring affordability;

2. The levels of profit guaranteed by the rate of reimbursement, a comparison of rates among the different states and financial stability within the system;

3. The advisability of rate equalization between private and public payers, implementation of rate equalization and what the possible benefits and detriments might be for nursing facility residents;

4. The case mix payment system for private paying patients;

5. The possibility of regulating the ~~long term care~~ nursing facility industry in the manner of regulating public utilities; ~~and~~

6. The relationship between staffing levels and quality of care and maintaining high-quality care; ~~and be it further~~

7. Mechanisms for providing consumer participation in decisions on the reimbursement for nursing facility care under the Medicaid program; and

8. Salaries, dividends and management fees in nursing facilities; and be it further

**Sec. 7. Report. Resolved:** That the commission shall submit its report, together with any necessary implementing legislation, to the ~~Second Regular Session of the~~ 118th Legislature no later than ~~December 15, 1997~~ November 20, 1998. If the commission requires an extension, it may apply to the Legislative Council, which may grant the extension; and be it further

**Sec. 4. Retroactivity. Resolved:** That that section of this resolve that amends Resolve 1997, c. 81, section 7 applies retroactively to December 15, 1997; and be it further

**Sec. 5. 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 Examine Rate Setting and the Financing of Maine's Long-term Care Facilities**

Personal Services	\$2,640
All Other	4,860

Provides funds for the per diem and expenses of legislative members, funding for consultants and miscellaneous costs of the Commission to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities.

**LEGISLATURE  
TOTAL**

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\$7,500

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

Effective April 16, 1998.

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