

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
2001

result of practices permitted pursuant to section 1 of this resolve.

See title page for effective date.

CHAPTER 40

H.P. 1312 - L.D. 1776

Resolve, Regarding Legislative Review of Chapter 21: Licensing and Registration Agents, a Major Substantive Rule of the Department of Inland Fisheries and Wildlife

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 Revised Statutes, 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 Portions of Chapter 21: Licensing and Registration Agents, a provisionally adopted major substantive rule of the Department of Inland Fisheries and Wildlife, that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A is authorized.

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

Effective May 29, 2001.

CHAPTER 41

H.P. 1319 - L.D. 1781

Resolve, Regarding Legislative Review of Chapter 182: Formula for Distribution of Funds to Child Development Services Regional Sites, a Major Substantive Rule of the Department of Education

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 Revised Statutes, 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 182: Formula for Distribution of Funds to Child Development Services Regional Sites, a provisionally adopted major substantive rule of the Department of Education, that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A is authorized.

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

Effective May 29, 2001.

CHAPTER 42

H.P. 954 - L.D. 1268

Resolve, to Improve 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, hundreds of persons with mental retardation are on waiting lists for services from the Department of Mental Health, Mental Retardation and Substance Abuse Services; and

Whereas, development of community placements for persons on waiting lists may be expedited by allowing for greater self-determination by persons with mental retardation and administrative costs for state agencies and private providers thereby reduced; and

Whereas, community-based private agencies must offer the necessary safety net for Maine's citizens with mental retardation; and

Whereas, contracts with providers of services to persons with mental retardation have not been adjusted to reflect the increased cost of living for over 10 years; and

Whereas, providers of services to persons with mental retardation are experiencing extreme difficulty retaining qualified direct service staff to serve clients with mental retardation; and

Whereas, providers of services to persons with mental retardation receive inadequate funding to provide health insurance benefits and other fringe benefits necessary to recruit and attract qualified employees; and

Whereas, as a result of inadequate funding providers of services are increasingly unable to develop new services to meet the needs of clients waiting for services; 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. Pilot program to explore alternative methods of developing individual client service programs. Resolved: That a pilot program to explore alternative methods of developing individual client services must be developed as follows.

1. Pilot program. The Department of Mental Health, Mental Retardation and Substance Abuse Services shall propose to the Joint Standing Committee on Health and Human Services by November 1, 2001 a pilot program to explore alternative methods of developing individual client services programs, referred to in this resolve as the "pilot program." The

pilot program may utilize a voucher system of payment or other methods to enable the client to select residential, vocation and habilitation services from providers of services. The pilot program must establish a method of helping clients assess their programmatic needs, determine the funding that would be required to meet the client's needs and make available to the client or to the selected provider the necessary amount of funding.

2. Task force. The Department of Mental Health, Mental Retardation and Substance Abuse Services shall convene a task force to develop the pilot program proposal, referred to in this resolve as the "proposal." The proposal must be developed by a task force composed of 9 members as follows:

A. Two members of the task force must be representatives of the department, appointed by the Commissioner of Mental Health, Mental Retardation and Substance Abuse;

B. Two members must be providers of services, appointed by an association representing community service providers;

C. Two members must represent consumers, one appointed by the Maine Developmental Disabilities Council and one appointed by a statewide self-advocacy program representing people with mental retardation and mental disabilities; and

D. Three members must be consumers from each of the service delivery regions established by the Department of Mental Health, Mental Retardation and Substance Abuse Services pursuant to the Maine Revised Statutes, Title 34-B, section 1201-A appointed by the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services with regard to urban and rural representation, transition issues and a variety of levels of need.

The proposal may build on existing efforts of the department toward client self-determination, and must take into account the efforts and experience of other states to promote client self-determination.

3. Goals of pilot program. The pilot program must be designed to permit maximum self-determination for the client while ensuring that necessary services are provided. Factors to be considered must include cost and quality of services and support of the client in making choices of services provided.

4. Assessment tool. The proposal must include an assessment tool to evaluate the efficacy of the pilot program, the level of client satisfaction and the value of continuing the program on a permanent basis. A methodology must be established to measure the value

of services received through the pilot program. The assessment tool must be sent to the Joint Standing Committee on Health and Human Services at the same time as the proposal.

5. Authority to report out legislation. The Joint Standing Committee on Health and Human Services may report out to the Second Regular Session of the 120th Legislature legislation to implement a pilot program based on the proposal of the Department of Mental Health, Mental Retardation and Substance Abuse; and be it further

Sec. 2. Report requirement. Resolved: That the Department of Mental Health, Mental Retardation and Substance Abuse Services shall report to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Health and Human Services by November 1, 2001 on a plan to adopt mechanisms to address on an ongoing basis:

1. Cost increases. The cost increases for existing mental retardation services for adults, including competitive wage and benefit structures and increases in nondiscretionary costs, including, but not limited to, health insurance, workers compensation, medical supplies, heat and other utilities, gasoline and other operating costs;

2. Changes in support needs. Changes in support needs of individuals served by the department that may result in the need for additional support, adaptive equipment or housing adaptation; and

3. Adults on waiting list. The provision of services to adults on waiting lists for services including individuals:

- A. Not currently receiving services;
- B. Receiving case management services but in need of other services; or
- C. Requiring a different level of service and support.

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

Effective May 31, 2001.

CHAPTER 43

H.P. 1313 - L.D. 1777

Resolve, Regarding Legislative Review of Portions of Chapter 1: Vehicle Inspection Manual, a Major Substantive Rule of the Department of Public Safety

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 Revised Statutes, 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 Portions of Chapter 1: Motor Vehicle Inspection Manual, a provisionally adopted major substantive rule of the Department of Public Safety, that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A is authorized.

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

Effective May 31, 2001.
