

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
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NON-EMERGENCY LAWS IS
JULY 25, 2002

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
2002

CHAPTER 83

H.P. 1609 - L.D. 2107

Resolve, Regarding Legislative Review of Portions of Chapter 395 - Construction Standards and Ownership and Cost Allocation Rules for Electric Distribution Line Extensions, a Major Substantive Rule of the Public Utilities Commission

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 395 - Construction Standards and Ownership and Cost Allocation Rules for Electric Distribution Line Extensions, a provisionally adopted major substantive rule of the Public Utilities Commission, that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A is authorized only if the rule is modified as follows.

1. Section 4 is replaced with new language that:

A. Requires that before a line extension in a public way or private way is energized the private line extension contractor or owner of a line extension must obtain one of the following: a determination by an employee designated by the transmission and distribution utility that the line is safe or a determination in writing by a registered professional engineer or a person licensed to certify electric distribution line extension construction by the Office of Licensing and Registration within the Department of Professional and

Financial Regulation, or by another state agency designated by law, that the line extension is safe, reliable and constructed in compliance with the standards required by the rule; and

B. Specifies that, upon request of a private line extension contractor or an owner of a line extension, a transmission and distribution utility employee designated by the transmission and distribution utility shall inspect the line extension within 5 business days of the request.

2. Section 5, subsection B is amended by adding new language providing that, if parties are unable to resolve a dispute within 3 business days, any party to the dispute has the option to request the Public Utilities Commission to initiate dispute resolution procedures.

3. Section 8, subsection A is amended by adding or modifying language to:

A. Ensure consistency with the changes made to section 4 of the rule described in subsection 1 of this section of this resolve;

B. Require a transmission and distribution utility to inspect privately constructed line extensions;

C. Provide that, if a transmission and distribution utility determines that energizing the line extension would jeopardize the safety of any person or the reliability of the transmission and distribution utility's distribution system, the transmission and distribution utility may not energize the line;

D. Provide that, if a transmission and distribution utility determines the line extension does not comply with standards required by the rule or may not provide reliable service to the customers who will be served by the line extension, the transmission and distribution utility may refuse to energize the line;

E. Provide that, if the private line extension contractor or owner disagrees with the transmission and distribution utility's decision not to energize the line and refuses to make modifications requested by the transmission and distribution utility, the transmission and distribution utility shall initiate a dispute resolution process pursuant to the relevant provisions of the rule;

F. Provide that when a determination has been made that all the requirements under sections 4 and 8 of the rule for energizing the line have been satisfied the transmission and distribution utility shall energize the line within 14 business days of that determination or a later date established by mutual agreement of the parties;

G. Provide that in the event of widespread power outages due to weather or other emergency the time requirements for dispute resolution under sections 4, 5 and 8 of the rule do not apply; and

H. Make the heading of the subsection consistent with these changes.

4. In section 1, subsection D in the last sentence, the number of years is changed from 10 to 20, and in section 9, subsection C, paragraph 1, the number of years is changed from 10 to 20.

The Public Utilities Commission is not required to hold hearings or conduct other formal proceedings prior to finally adopting the rule in accordance with this resolve.

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

Effective March 21, 2002.

CHAPTER 84

H.P. 1497 - L.D. 2000

Resolve, Directing the Department of Human Services to Apply for a Federal Waiver to Provide Medicaid Benefits to Uninsured Residents with a Diagnosis of Cancer

Sec. 1. Waiver application for Medicaid cancer program. Resolved: That the Department of Health and Human Services, Centers for Medicare and Medicaid Services for a waiver to provide coverage limited to cancer under the Medicaid program. Coverage under a Medicaid cancer program must comply with the following terms.

1. Coverage must be available to a person who has:
 - A. A confirmed diagnosis of cancer by a qualified physician;
 - B. A gross family income at or below 250% of the federal poverty level; and
 - C. No health insurance or no insurance coverage that is adequate for the diagnosis or treatment of cancer.

Age, assets and family status may not be factors in determining eligibility.

2. The department shall adopt rules to implement the program. The rules must contain the following provisions.

- A. Coverage is limited to the enrollee and does not include family members.
- B. An enrollee must pay minimal copayments.
- C. Coverage is limited to the diagnosis and treatment costs for cancer and treatment costs for medical care required as a result of cancer treatment and must last as long as the person is receiving treatment for cancer.
- D. Coverage must include the costs for the diagnosis and treatment of cancer that were incurred within 3 months prior to the date of enrollment.
- E. For an enrollee who has health coverage, coordination of benefits, subrogation of coverage or redirection of the premium payments must occur in order to decrease costs to the State. Medicaid rules regarding estate recovery apply to Medicaid expenditures incurred under the waiver.
- F. Coverage must last as long as the enrollee is a resident of the State, is undergoing treatment and the program is operated by the State.

3. Coverage may not begin under the Medicaid cancer program until the waiver has been obtained from the Centers for Medicare and Medicaid Services and the Legislature has approved the operation of the program and appropriated funding for coverage in the biennial budget.

4. Rules adopted pursuant to this resolve are routine technical rules as defined by the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A.

See title page for effective date.

CHAPTER 85

H.P. 1504 - L.D. 2007

Resolve, to Address the Crisis in Direct-care Staff in the Long-term Care System

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

Whereas, in one recent month alone, up to 299 state long-term care consumers did not receive needed home care services and hundreds more did not receive all the home care services they were scheduled to receive, due to shortages of unlicensed direct-care