

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
SECOND REGULAR SESSION
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

Sec. 2. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

HUMAN SERVICES, DEPARTMENT OF

Bureau of Health

Initiative: Provides a base allocation in the event Other Special Revenue funds are received to operate a hepatitis C prevention and detection program.

Other Special Revenue funds	2001-02	2002-03
All Other	\$0	\$500

See title page for effective date.

CHAPTER 89

S.P. 711 - L.D. 1913

Resolve, to Implement the Recommendations of the Health Care Workforce Steering Committee

Sec. 1. Health Care Workforce Leadership Council. Resolved: That the Health Care Workforce Leadership Council, referred to in this resolve as the "council," is established to provide input on all policy initiatives, laws and rules concerning the skilled health care workforce to the Commissioner of Human Services, the Commissioner of Labor and the Department of Human Services, Bureau of Medical Services.

For the purposes of this resolve, "skilled health care workforce" consists of those health care workers who require a postsecondary education to work in the health care industry, including nurses, radiologic technologists and technicians, health information technicians, surgical technologists, pharmacists, pharmacy technicians, medical transcriptionists, respiratory therapists, medical and clinical laboratory technologists and laboratory technicians, social workers and other skilled workers other than physicians.

1. Goal. The goal of the council is to ensure an adequate supply of skilled health care workers to the State's health care industry, including hospitals, nursing facilities, physicians' offices, laboratories, outpatient service providers and home care service providers. Issues to be considered regarding the skilled health care workforce include providing adequate capacity in educational programs to meet the demand for skilled health care workers, attracting students to health care fields of study, recruiting new employees to health care positions, retaining employees in health care positions and retaining trained health care workers in their professions.

2. Membership; appointment. The council consists of 13 members appointed as follows.

A. The Governor shall appoint 5 members as follows.

(1) Three must represent postsecondary educational institutions that offer training for skilled health care workers, of which one must represent a private postsecondary educational institution and 2 must represent public postsecondary educational institutions.

(2) One must represent a labor organization that represents skilled health care workers.

(3) One must represent a professional organization that represents skilled health care workers working in the administration of care for patients.

B. The President of the Senate shall appoint 4 members as follows.

(1) Two must represent employers of skilled health care workers.

(2) One must represent a labor organization that represents skilled health care workers.

(3) One must represent a professional organization that represents skilled health care workers working in direct care for patients.

C. The Speaker of the House of Representatives shall appoint 4 members as follows.

(1) One must represent a labor organization that represents skilled health care workers.

(2) One must represent a professional organization that represents skilled health care workers working in direct care for patients.

(3) Two must represent employers of skilled health care workers.

3. Meetings. By September 1, 2002, the Executive Director of the Legislative Council or the designee of the executive director shall convene the first meeting of the council, at which the members shall elect a chair from among the members of the council. The council shall meet as often as necessary and appropriate to achieve the goals of the council. Members of the council serve as volunteers and are not entitled to reimbursement for expenses or to per diem payment.

4. Staff. The Maine Technical College System shall provide staff support to the council.

5. Report. By February 1, 2003, the council shall provide an interim report to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding the work of the council and any initiatives, laws or rules pertaining to the skilled health care workforce regarding which the council provided input to the Commissioner of Human Services, the Commissioner of Labor or the Department of Human Services, Bureau of Medical Services. By November 3, 2004 the council shall provide a final report on the same issues and in the same manner as the interim report.

See title page for effective date.

CHAPTER 90

H.P. 1547 - L.D. 2050

Resolve, Regarding Legislative Review of Chapters I to IV: 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 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 Chapters I to IV: Regulations Governing the Licensing and Functioning of Assisted Living Facilities, a provisionally adopted major substantive rule of the Department of Human Services, that has

been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A is authorized provided the rules are amended in section 2040.22 [c] to require assisted living facilities to distribute to a new resident a copy of the brochure from the Long-term Care Ombudsman Program and in section 4210 to require that copies of survey results be placed in a common area.

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

Effective March 28, 2002.

CHAPTER 91

H.P. 1643 - L.D. 2148

Resolve, to Require the Maine Fire Protection Services Commission to Report Regarding Methods to Improve the Recruitment and Retention of Firefighters and the Provision of Health Care

Sec. 1. Recruitment, retention and health care study. Resolved: That the Maine Fire Protection Services Commission, established pursuant to the Maine Revised Statutes, Title 5, section 3371, shall report on the problems facing the State regarding recruitment and retention of firefighters and the provision of health care to firefighters and recommend methods of increasing recruitment and retention and providing health care to firefighters. The commission shall submit its report, along with recommended implementing legislation, to the First Regular Session of the 121st Legislature by December 16, 2002.

See title page for effective date.

CHAPTER 92

H.P. 1450 - L.D. 1947

Resolve, to Establish a Demonstration Project to Review Requirements Imposed on Agencies Contracting with the Department of Behavioral and Developmental Services

Sec. 1. Demonstration project to review requirements imposed on agencies contracting with the Department of Behavioral and Developmental Services. Resolved: That, beginning August 1, 2002, the Department of Behavioral and Developmental Services shall