

# 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.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2002**

**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

undertake a demonstration project to review the financial impact of departmental requirements imposed on providers of services. The demonstration project must consist of:

1. A review of the financial implications of all new requirements imposed by the department on or after January 1, 2002 on agencies that provide services to persons through contracts or agreements with the department that may increase the cost of providing those services. This provision applies to services provided by agencies on or after January 1, 2002 whenever funding sufficient to meet the cost of the requirement is not provided. This provision does not apply to new requirements imposed pursuant to federal law or regulation;

2. The development of strategies for achieving savings. By December 15, 2002, the Department of Behavioral and Developmental Services shall develop strategies for achieving savings for the agencies that will incur the cost increases identified pursuant to subsection 1, including cost mitigation and simplification of administrative requirements. In developing strategies pursuant to this resolve, the department shall collaborate with agencies that provide services to persons through contracts or agreements with the department;

3. A review of rules, contracts and other requirements. The Department of Behavioral and Developmental Services shall review existing rules and contracts and other requirements that impose costs on providers of services to identify requirements that may be modified or eliminated in order to minimize costs for the providers. This review must be conducted in consultation with the providers; and

4. A report to the joint standing committee of the Legislature having jurisdiction over health and human services matters. By January 15, 2003, the Department of Behavioral and Developmental Services shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the results of the reviews conducted under subsections 1 and 3 and the strategies for achieving savings under subsection 2.

See title page for effective date.

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## CHAPTER 93

H.P. 1473 - L.D. 1974

### Resolve, to Study the Design and Funding of a Household Hazardous Waste and Universal Waste Collection Program

**Sec. 1. Feasibility and design review. Resolved:** That the Department of Environmental Protection, in cooperation with the Executive Department, State Planning Office and the Department of Agriculture, Food and Rural Resources, shall report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 15, 2003 on the feasibility and design of a long-term funding mechanism to provide state cost-sharing support to municipalities and regions for the operational costs of a statewide household hazardous waste and universal waste collection program. The report must include an analysis of a proposed funding mechanism based on the imposition of fees at the point of retail sale on paint and pesticide products sold within the State. The report must also include proposed legislation necessary to establish and implement the proposed funding mechanism; and be it further

**Sec. 2. Authority to report out legislation. Resolved:** That the joint standing committee of the Legislature having jurisdiction over natural resources matters may report out legislation to the First Regular Session of the 121st Legislature to establish a statewide household hazardous waste and universal waste collection program and to provide funding for the operating costs of the program.

See title page for effective date.

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## CHAPTER 94

H.P. 1437 - L.D. 1934

### Resolve, to Provide Access to Personal Care Assistant Home Care 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,** this resolve must take effect before the expiration of the 90-day period in order to alleviate the crisis in recruiting and retaining personal care assistants for home care services that negatively impacts access to these 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. Department of Human Services review rules for personal care assistant home care services. Resolved:** That, by October 1,