

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

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.

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.

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,

2002, the Department of Human Services shall review its rules regarding the reimbursement structure for personal care assistant home care services, identify barriers to those services and revise rules as necessary to improve the delivery of those services. The department shall include in the process representatives of provider agencies, Elder Independence of Maine, consumers, family members and advocacy groups. The department shall consider a different method of reimbursement for one-hour visits. The department shall report on its work on these issues periodically during the fall of 2002 to the Long-term Care Implementation Committee established pursuant to Public Law 1999, chapter 731, Part BBBB, section 15. By January 15, 2003, the department and the Long-term Care Implementation Committee shall report jointly to the Joint Standing Committee on Health and Human Services on actions taken to improve the delivery of services.

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

Effective April 3, 2002.

CHAPTER 95

S.P. 675 - L.D. 1878

Resolve, Authorizing the Commissioner of Administrative and Financial Services to Lease the Interests of the State in Property at the Long Creek Youth Development Center in South Portland

Sec. 1. Definitions. Resolved: That, as used in this resolve, unless the context otherwise indicates, the following terms have the following meanings.

1. "Commissioner" means the Commissioner of Administrative and Financial Services.
2. "State property" means the real and personal property described in section 3 of this resolve; and be it further

Sec. 2. Authority to lease property. Resolved: That the State, by and through the commissioner, may:

1. Lease the interests of the State in state property; and
2. Negotiate, draft, execute and deliver any easements or other rights that, in the commissioner's

discretion, may contribute to the value of a proposed lease of the State's interest; and be it further

Sec. 3. Property interest that may be conveyed. Resolved: That the state property authorized to be leased is the following:

That portion of Book 243, Page 197, recorded in the Cumberland County Registry of Deeds, that is determined by the commissioner and the Commissioner of Corrections to be unnecessary to the present or future operation of the Long Creek Youth Development Center.

The state property may be leased for a term of up to 50 years in whole or in part, at the discretion of the commissioner, subject to such permits or approvals as may be required by law; and be it further

Sec. 4. Property to be leased as is. Resolved: That the commissioner may negotiate and execute leases, including ground leases, upon those terms the commissioner considers appropriate; however, the state property must be leased as is, without any representations or warranties; and be it further

Sec. 5. Exemptions. Resolved: That any lease pursuant to this resolve is exempt from any statutory or regulatory requirement that the property first be offered to the Maine State Housing Authority or another state or local agency; and be it further

Sec. 6. Purchase price. Resolved: That the commissioner may list the property for lease with private real estate brokers, solicit bids or enter directly into leases with tenants. The commissioner may reject any offers.

The commissioner shall establish the rent and the terms of lease.

If the commissioner elects to solicit bids, the commissioner shall publish notices sufficient to advertise the property for lease. The commissioner may reject any bids; and be it further

Sec. 7. Proceeds. Resolved: That any rental or lease proceeds that accrue to the State in excess of operating costs must be deposited into the General Fund undedicated revenue account.

See title page for effective date.
