

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2003

General Fund	2002-03
All Other	79,066
General Fund Total	79,066

Aroostook Residential Center 0118

Initiative: Provides funds for tax imposed on residential treatment facilities for individuals with developmental disabilities. This request will generate \$32,115 in General Fund Undedicated Revenue contingent upon the federal approval procedure identified in Public Law 2001, chapter 714, Part CC.

General Fund	2002-03
All Other	48,432
General Fund Total	48,432

Freeport Towne Square 0814

Initiative: Provides funds for tax imposed on residential treatment facilities for individuals with developmental disabilities. This request will generate \$9,016 in General Fund Undedicated Revenue contingent upon the federal approval procedure identified in Public Law 2001, chapter 714, Part CC.

General Fund	2002-03
All Other	13,596
General Fund Total	13,596

Residential Treatment Facilities Assessment 0978

Initiative: Provides for the allocation of funds from revenue generated by the imposition of an assessment on residential treatment facilities for individuals with developmental disabilities.

Other Special Revenue Funds	2002-03
All Other	141,094
Other Special Revenue Funds Total	141,094

BEHAVIORAL AND DEVELOPMENTAL SERVICES, DEPARTMENT OF DEPARTMENT TOTALS

GENERAL FUND	\$0
OTHER SPECIAL REVENUE FUNDS	\$141,094
DEPARTMENT TOTAL - ALL FUNDS	\$141,094
SECTION TOTALS	2002-03

GENERAL FUND	\$0
OTHER SPECIAL REVENUE FUNDS	\$141,094

SECTION TOTAL - ALL FUNDS	\$141,094
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Sec. GG-3. Application date; retroactivity. The section of this Part that amends the Maine Revised Statutes, Title 36, section 2871, subsection 6 takes effect when the Commissioner of Human Services notifies the State Tax Assessor that, based on representations from the United States Department of Health and Human Services, the tax imposed by Title 36, section 2872 on that class of facilities is a permissible health care related tax as defined in Title 42, Part 433, Section 68 of the Code of Federal Regulations. Once effective, Title 36, section 2871, subsection 6 applies retroactively to July 1, 2002.

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

Effective February 13, 2003.

CHAPTER 3**H.P. 293 - L.D. 373**

An Act Eliminating the Receipt by the Maine Veterans' Homes of Any Reimbursement from the MaineCare Program for the Costs of Renovating the Existing 120-bed Maine Veterans' Homes Nursing Facility in Augusta

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

Whereas, the existing 120-bed nursing facility of the Maine Veterans' Homes in Augusta is almost 20 years old; and

Whereas, significant renovations must be made to that facility, such as renovations to ensure continued compliance with life safety codes, to remove asbestos, to replace heating systems, to replace windows and to replace the facility's roof; and

Whereas, the Maine Veterans' Homes has proposed these renovations to its Augusta nursing facility in the amount of \$2,794,787; and

Whereas, the Maine Veterans' Homes can guarantee a contract price of \$2,794,787 on these renovations to its Augusta nursing facility if it acts by February 17, 2003; and

Whereas, the Maine Veterans' Homes has secured federal funding in the amount of 65% of the costs of the renovations; and

Whereas, the Maine Veterans' Homes will lose its federal funding for the proposed renovations to its Augusta nursing facility if it can not proceed with a contract for the renovations in a timely manner; and

Whereas, the proposed renovations to the Augusta nursing facility of the Maine Veterans' Homes are subject to the Maine Certificate of Need Act of 2002; and

Whereas, on January 22, 2002, the Maine Veterans' Homes filed with the Department of Human Services a certificate of need application dated January 14, 2002 seeking approval for the proposed renovations to the nursing facility; and

Whereas, the Department of Human Services has not yet acted on the certificate of need application; and

Whereas, the Maine Certificate of Need Act of 2002 states "A nursing facility project that proposes renovation, replacement or other actions that will increase Medicaid [MaineCare] costs may be approved only if appropriations have been made by the Legislature expressly for the purpose of meeting those costs"; and

Whereas, the Maine Veterans' Homes does not wish the proposed renovations to its Augusta nursing facility to increase MaineCare costs to the State and, accordingly, wishes to forego the receipt of any reimbursement from the State for the costs of those renovations; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 37-B MRSA §610, as amended by PL 1997, c. 395, Pt. P, §4, is further amended by adding a new paragraph at the end to read:

The provisions of this section pertaining to the Department of Human Services' reimbursement of long-term care facilities for depreciation of assets created with federal or state grants do not apply to renovations undertaken by the Maine Veterans' Homes 120-bed Augusta nursing facility in accordance with a certificate of need application filed January 22, 2002. The Department of Human Services shall amend its

rules regarding reimbursement of long-term care facilities accordingly. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. Certificate of need; MaineCare.

The following provisions apply with regard to a certificate of need application filed on January 22, 2002 by the Maine Veterans' Homes to renovate an existing 120-bed nursing facility at Augusta.

1. The Department of Human Services may not reimburse through the MaineCare program the Maine Veterans' Homes for any short-term or long-term costs associated directly or indirectly with the renovations detailed in the certificate of need application filed.

2. The provisions of the Maine Revised Statutes, Title 22, section 334 that require an appropriation for the express purpose of meeting the costs of a nursing facility project for which a certificate of need has been filed do not apply to the certificate of need application.

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

Effective February 19, 2003.

CHAPTER 4

H.P. 15 - L.D. 8

An Act to Change the Membership of the Board of Trustees of the Maine School of Science and Mathematics

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA §8204, sub-§1, ¶C, as enacted by PL 1993, c. 706, Pt. A, §4, is amended to read:

C. The chair of the Limestone School Board or the chair's designee;

See title page for effective date.

CHAPTER 5

H.P. 28 - L.D. 21

An Act to Ensure Full Disclosure of the Source of Water Sold in Containers

Be it enacted by the People of the State of Maine as follows: