

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

participating local district employees to whom Title 5, section 17001, subsection 32, paragraph B applies.

Sec. 17. PL 2001, c. 699, §§9 and 10 are enacted to read:

Sec. 9. Interpretation and application; rulemaking. The provisions of this Act that establish the opportunity to retire from a position covered under the retirement system and to thereafter return to work in a position covered under the retirement system with no reduction of retirement benefits or limitation on compensation must be interpreted and applied in a manner that meets applicable requirements of federal law and regulation, including, but not limited to, the Internal Revenue Code and Internal Revenue Service regulations. The retirement system shall adopt rules for the interpretation and application of the provisions that reflect these requirements. Rules adopted under this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

Sec. 10. Reporting requirements. Retirement system employers are required to identify and report to the retirement system, in the manner specified by the retirement system, each individual who is a retiree who becomes an employee of the employer. The employer shall report each such employee whenever and so long as an employee is the employer's employee. The employer shall inquire of individuals hired to ascertain whether an individual is a retiree and the individual shall disclose that. "Employer" includes the State, all school administrative units and all participating local districts. "Employee" means an already retired individual receiving a Maine State Retirement System retirement benefit, regardless of the retirement system plan retired under, who after retirement is employed by an employer as defined in this section. "Retire" means to receive a retirement benefit from the retirement system. "Retiree" means an individual who receives a retirement benefit from the retirement system under any of the retirement system's retirement plans.

See title page for effective date.

CHAPTER 388

H.P. 1085 - L.D. 1480

An Act To Change the Time Requirement for Mental Retardation Evaluations

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

Sec. 1. 34-B MRSA §5469, first ¶, as repealed and replaced by PL 1983, c. 580, §20, is amended to read:

Within ~~30~~ 90 days of the day of the application made under section 5467, the department shall obtain a report of the comprehensive evaluation made under section 5468, which shall must state specifically ~~in the report~~ whether or not the client is mentally retarded.

Sec. 2. Report. The Department of Behavioral and Developmental Services shall report to the Joint Standing Committee on Health and Human Services by January 30, 2004 regarding the length of time from application to completion of the comprehensive evaluation report for individuals who applied for mental retardation services during calendar year 2003. The department shall provide the committee with an accounting of the number of days between the date the application was made and the date the comprehensive evaluation report was completed for each application for mental retardation services received by the department during that period. The department shall also provide the committee with summary statistics, including the median number of days between application and report, for all applications for mental retardation services received in calendar year 2003 and separately for the periods before and after the effective date of this legislation.

See title page for effective date.

CHAPTER 389

H.P. 1166 - L.D. 1593

An Act To Amend Laws Relating to Development of Service Plans for Persons with Mental Retardation

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

Sec. 1. 34-B MRSA §5437, sub-§4, as enacted by PL 1985, c. 486, §2, is amended to read:

4. Disbursement not to be approved. ~~No~~ A disbursement for client needs may not be approved for any service or activity not recommended by ~~interdisciplinary~~ primary a planning team or necessary to comply with regulations. ~~No~~ A disbursement may not be made unless evidence is provided that the expense is not reimbursable by the Medicaid Program. It is the intent of the Legislature that the contingency fund established in this section be the funding source of last resort.

Sec. 2. 34-B MRSA §5461, sub-§7, as enacted by PL 1983, c. 459, §7, is repealed.