

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

Sec. 2. 5 MRSA §13060-D, sub-§§2 and 4, as enacted by PL 2003, c. 20, Pt. RR, §2 and affected by §18, are amended to read:

2. Definition. For the purposes of this section, "research and development" means activities that directly or through capital investment support basic and applied scientific research and related commercial development funded by state appropriations and bond proceeds.

4. Transfers to fund. Notwithstanding section 1585 or any other provision of law, the State Budget Officer may transfer to the fund an amount not to exceed 0.8% of General Fund appropriations received by and general obligation bonds issued to an agency or entity for research and development efforts to the fund. The transfer and allotment of available funds may not exceed 0.8% of the total research and development appropriations. Private entities that receive funds from general obligation bonds for research and development efforts shall pay to the Treasurer of State in the fiscal year in which the general obligation bond was issued an amount not to exceed 0.8% of the proceeds from the bond issue in any fiscal year, which payment must be made from available resources other than bond proceeds. Only those programs that receive \$500,000 or more in research and development appropriations in any fiscal year, or those entities that receive funds from a general obligation bond issue of \$500,000 or more for research and development efforts in any fiscal year, as identified and certified by the State Budget Officer and the Office of Fiscal and Program Review, may be assessed upon concurrence of the affected agencies, institutions and departments. The transfer must be implemented by financial order contingent upon the recommendation of the State Budget Officer and approval of the Governor and upon review by the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. The financial order must include a plan outlining how these funds will be expended. The financial order takes effect upon approval by the Governor. ~~Total transfers payments~~ made pursuant to this section may not exceed \$120,000 in any fiscal year.

Sec. 3. 5 MRSA §13103, sub-§9, as enacted by PL 1999, c. 731, Pt. SSS, §1, is amended to read:

9. Rulemaking. ~~The department shall~~ Maine Biomedical Research Board may adopt major substantive routine technical rules pursuant to Title 5, chapter 375, subchapter ~~H-A~~ 2-A to implement this section.

Sec. 4. Application. Those sections of this Act that amend the Maine Revised Statutes, Title 5, sections 13060-C and 13060-D apply beginning with the fiscal year beginning July 1, 2003.

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

Effective June 17, 2003.

CHAPTER 465

H.P. 65 - L.D. 57

An Act To Establish the Long-term Care Oversight Committee

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

Whereas, the law authorizing the Long-term Care Implementation Committee, Public Law 1999, chapter 731, Part BBBB, section 15 was repealed on January 1, 2003; and

Whereas, the establishment of a new committee to oversee long-term care is required on a timely basis to continue the work of the Long-term Care Implementation Committee; 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. 5 MRSA §12004-I, sub-§47-D, as enacted by PL 1997, c. 665, §1, is repealed.

Sec. 2. 5 MRSA §12004-I, sub-§47-F is enacted to read:

<u>47-F.</u>	<u>Long-term</u>	<u>Legislative</u>	<u>22</u>
<u>Human</u>	<u>Care Over-</u>	<u>Per Diem</u>	<u>MRSA</u>
<u>Services</u>	<u>sight</u>	<u>and</u>	<u>§5107-J</u>
	<u>Committee</u>	<u>Expenses</u>	
		<u>for</u>	
		<u>Legislators</u>	
		<u>Only</u>	

Sec. 3. 22 MRSA §5107-B, as amended by PL 1997, c. 665, §2 and c. 734, §1, is repealed.

Sec. 4. 22 MRSA §5107-J is enacted to read:

§5107-J. Long-term Care Oversight Committee

The Long-term Care Oversight Committee, as established in Title 5, section 12004-I, subsection 47-F and referred to in this section as "the committee," shall

oversee the policies and programs of the department with regard to long-term care for adults with disabilities and the elderly, referred to in this section as "consumers."

1. Duties. The committee shall review the adoption and amendment of rules by the department and monitor the implementation of initiatives in long-term care, striving to meet the needs of consumers of long-term care services.

2. Membership. The committee consists of 17 members.

A. The President of the Senate shall appoint 7 members as follows:

(1) One Senator, who is a member of the joint standing committee of the Legislature having jurisdiction over health and human services matters and who shall serve as Senate chair;

(2) Two providers of services to consumers, one of whom represents providers of home health services;

(3) Three consumers, one of whom is a consumer of consumer-directed home-based care services; and

(4) One person who has a family member who is a consumer.

B. The Speaker of the House shall appoint 7 members as follows:

(1) Two members of the House of Representatives, one of whom is a member of the joint standing committee of the Legislature having jurisdiction over health and human services matters. The first-named House member shall serve as House chair;

(2) Two providers of services to consumers, one of whom represents providers of home health services;

(3) Two consumers, one of whom is a consumer of consumer-directed home-based care services; and

(4) One person who represents the long-term care ombudsman program established pursuant to section 5106, subsection 11-C.

C. The Governor shall appoint 3 members as follows:

(1) One person who represents the area agencies on aging;

(2) One person who represents persons and families afflicted with Alzheimer's disease or dementia; and

(3) One person who represents a statewide organization representing persons with disabilities.

3. Terms. The terms of appointment are for 4 years, except that 1/2 of the first-appointed members shall serve for 2 years. Members may serve 2 terms and may continue to serve at the expiration of a term until their successors are appointed.

4. Meetings; staffing. The committee may meet no more than 4 times per year. The department shall provide staffing services as determined by the committee to be necessary.

5. Compensation; voluntary service. Legislators who are members are entitled to the legislative per diem and expenses. Other committee members serve on a voluntary basis and are not entitled to compensation.

6. Report. The committee shall report each year by January 15th to the joint standing committee of the Legislature having jurisdiction over health and human services matters and may introduce a bill related to its report to the Legislature at that time. The report must include recommendations of the committee, including legislation, and an evaluation of the status of the long-term care system in the State.

Sec. 5. 26 MRSA §1412-G, sub-§5, ¶A, as enacted by PL 2001, c. 559, Pt. BB, §4, is amended to read:

A. The commissioner shall:

(1) Ensure the input of consumers of those services. The commissioner may seek input through one or more public hearings or by other means determined reasonable by the commissioner; and

(2) Seek advice and input from the Long-term Care ~~Steering~~ **Oversight** Committee established in Title 22, section ~~5107-B~~ **5107-J** to determine whether the rates of reimbursement are sufficient for consumers to recruit, hire and retain personal care assistants.

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

Effective June 18, 2003.