

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST SPECIAL SESSION
August 21, 2003 to August 22, 2003

The General Effective Date For
First Special Session
Non-Emergency Laws Is
November 22, 2003

SECOND REGULAR SESSION
January 7, 2004 to January 30, 2004

The General Effective Date For
Second Regular Session
Non-Emergency Laws Is
April 30, 2004

SECOND SPECIAL SESSION
February 3, 2004 to April 30, 2004

The General Effective Date For
Second Special Session
Non-Emergency Laws Is
July 30, 2004

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

Penmor Lithographers
Lewiston, Maine
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technologies or methods of service delivery may become available; and

E. The project meets the criteria set forth in subsection 1.

In making a determination under this subsection, the commissioner shall use data available in the state health plan under Title 2, section 103, data from the Maine Health Data Organization established in chapter 1683 and other information available to the commissioner. Particular weight must be given to information that indicates that the proposed health services are innovations in high quality health care delivery, that the proposed health services are not reasonably available in the proposed area and that the facility proposing the new health services is designed to provide excellent quality health care.

Sec. 2. Nursing facility projects. Notwithstanding the provisions of the Maine Revised Statutes, Title 22, section 334, the Department of Human Services may approve a nursing facility project if the applicant has been recommended for conditional approval from the department prior to February 15, 2004, complies with all other applicable state rules and federal regulations and demonstrates cost-neutrality using savings obtained from the purchase of beds from the Maine Health and Higher Education Facilities Authority and approved by the department.

Sec. 3. Report on nursing facility projects. By February 15, 2004, the Department of Human Services shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding funding requirements under the Maine Revised Statutes, Title 22, section 334 for nursing facility projects that use banked beds from nursing facilities and residential care facilities. The joint standing committee of the Legislature having jurisdiction over health and human services matters is authorized to report out legislation regarding this issue to the First Regular Session of the 122nd Legislature.

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

Effective February 11, 2004.

CHAPTER 515

H.P. 1097 - L.D. 1504

An Act To Clarify the Work Center Purchases Committee Requirements for Work Centers and Competitive Bidding

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

Sec. 1. 5 MRSA §1826-A, as corrected by RR 2001, c. 1, §9, is amended to read:

§1826-A. Purpose and intent

The Legislature finds that the goal of integrating ~~disabled~~ persons with disabilities into all aspects of community life is enhanced by providing expanded markets for products and services of work centers. The Legislature further believes that work centers provide a valuable means of transitional employment for the State's disabled population and for some, such as the most severely disabled persons, they may offer the only opportunities available for long-term, gainful employment.

In order to assure continued opportunities for ~~disabled~~ persons with disabilities to obtain this employment through work centers, it is the intent of the Legislature to provide reliable and steady income and job opportunities to work centers. It is the purpose of this section and sections 1826-B to 1826-D to ensure that some portion of state purchases for commodities and services be available to work centers.

Sec. 2. 5 MRSA §1826-B, sub-§1, as enacted by PL 1985, c. 359, §3, is repealed and the following enacted in its place:

1. Persons with disabilities. "Persons with disabilities" means individuals who have physical or mental impairments that substantially limit one or more major life activities, have a record of those impairments or are perceived to have those impairments.

Sec. 3. 5 MRSA §1826-B, sub-§2, ¶C, as enacted by PL 1985, c. 359, §3, is amended to read:

C. Employs during the fiscal year in commodity production or service provision ~~disabled~~ persons with disabilities at a quota of not less than 66% of the total hours of direct labor on all production, whether or not government related; and

Sec. 4. 5 MRSA §1826-B, sub-§2, ¶D, as amended by PL 1999, c. 543, §1, is further amended to read:

D. Has, ~~or~~ is part of, or demonstrates a formal relationship for support with an ongoing placement program that includes at least preadmission evaluation and annual review to determine each worker's capability for normal competitive employment and maintenance of liaison with the appropriate community services for the place-

ment in the employment of any of its workers who may qualify for that placement.

Sec. 5. 5 MRSA §1826-C, sub-§1, as amended by PL 1999, c. 543, §2 and PL 2001, c. 354, §3, is further amended to read:

1. Committee established. There is established the Work Center Purchases Committee, consisting of the ~~State Purchasing Agent Director of the Bureau of General Services within the Department of Administrative and Financial Services or the director's designee~~, the Director of the Bureau of Rehabilitation Services within the Department of Labor, a representative of the Department of Behavioral and Developmental Services, a representative of work centers, a representative of the business community and persons with disabilities. The total number of members with disabilities on the committee must be a minimum of 5.

Sec. 6. 5 MRSA §1826-C, sub-§3, ¶C, as enacted by PL 1985, c. 359, §3, is amended to read:

C. Award Develop procedures to be used in the award and extension of contracts, pursuant to subsection 6;

Sec. 7. 5 MRSA §1826-C, sub-§3, ¶D, as enacted by PL 1985, c. 359, §3, is repealed and the following enacted in its place:

D. Incorporate the Department of Administrative and Financial Services, Bureau of General Services rules of appeal of contract awards to resolve disputes related to Work Center Purchases Committee decisions;

Sec. 8. 5 MRSA §1826-C, sub-§5, as amended by PL 1991, c. 515, §2, is further amended to read:

5. Competitive bidding. The Work Center Purchases Committee shall develop procedures for competitive bidding by eligible work centers only for products and services identified on the work center purchase schedule. If no bid is received from a work center for any product or service on the schedule, the ~~State Purchasing Agent Director of the Bureau of General Services within the Department of Administrative and Financial Services~~ shall confer with the Department of Corrections to determine whether the Department of Corrections is able to provide the product or service at a fair price. If the ~~State Purchasing Agent Director of the Bureau of General Services~~ and the Department of Corrections do not come to agreement, the product or service must be put out to general bid by the ~~State Purchasing Agent Director of the Bureau of General Services~~, in accordance with standard rules and procedures. If only one work center bid is received, the committee shall review the bid and make a determination regarding the

fairness of the price and terms of the proposed contract. If the committee determines that the work center may not be awarded this bid, the ~~State Purchasing Agent Director of the Bureau of General Services~~ shall confer with the Department of Corrections to determine whether the Department of Corrections is able to provide the product or service at a fair price. If the ~~State Purchasing Agent Director of the Bureau of General Services~~ and the Department of Corrections do not come to agreement, the contract must be offered for standard competitive bid by the ~~State Purchasing Agent Director of the Bureau of General Services~~ in accordance with standard rules and procedures.

See title page for effective date.

CHAPTER 516

H.P. 441 - L.D. 578

An Act To Increase the Sale of Lottery Tickets To Benefit Conservation and Wildlife

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

Sec. 1. 8 MRSA §374, sub-§5, as amended by PL 2003, c. 414, Pt. B, §17 and affected by Pt. D, §7, is further amended to read:

5. Wildlife lottery game. No later than January 30, 1996, the commission, in consultation with the Maine Outdoor Heritage Fund Board, shall develop and initiate a wildlife lottery game designed to raise funds for the Maine Outdoor Heritage Fund established pursuant to Title 12, chapter 903, subchapter 6. The sales commission paid to agents for the sale of wildlife lottery game tickets must be one percentage point higher than the sales commission paid to agents for the sale of other instant lottery game tickets. The commission shall provide the net proceeds of this wildlife lottery game to the Maine Outdoor Heritage Fund annually. The commission shall change the wildlife game ticket periodically throughout the year.

See title page for effective date.

CHAPTER 517

H.P. 995 - L.D. 1353

An Act To Ensure Women's Health Care Coverage for All Maine Women

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