

# 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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2003**

option and acquire property on behalf of the district at any time during the option period.

See title page for effective date.

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**CHAPTER 52**

**H.P. 793 - L.D. 1075**

**Resolve, To Ensure Appropriate Care for Older Persons with Dementia and Certain Other Diseases**

**Sec. 1. Joint Advisory Committee on Select Services for Older Persons. Resolved:** That the Department of Human Services and the Department of Behavioral and Developmental Services shall jointly establish and provide support for the Joint Advisory Committee on Select Services for Older Persons, referred to in this resolve as "the advisory committee." The advisory committee shall operate until December 31, 2005. The advisory committee shall study the needs of older persons, including, but not limited to, services or treatment for mental health, mental retardation, substance abuse, dementia and cognitive impairments with behavioral issues associated with those impairments and shall advise the departments on services required to meet those needs. The advisory committee shall monitor the development by the departments of new initiatives to serve older persons with special needs. The advisory committee shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters once during 2003 and twice per year during 2004 and 2005.

During 2003 and 2004, the advisory committee shall convene a subcommittee representing older persons and their families, providers of long-term care and health care services, state and private agencies and advocates for older persons and their families. The subcommittee shall focus on issues concerning the care needs of older persons with cognitive impairments with behavioral issues associated with those impairments and options for developing and improving programs and services for those persons. The subcommittee shall report to the advisory committee periodically.

By December 31, 2003 and December 15, 2004, the advisory committee shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding services to persons with cognitive impairments with behavioral issues associated with those impairments. The joint standing committee of the Legislature having jurisdiction over health and human services matters

has authority to report out legislation based on the report to the Legislature.

See title page for effective date.

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**CHAPTER 53**

**H.P. 1034 - L.D. 1412**

**Resolve, Authorizing the Commissioner of Administrative and Financial Services To Increase the Ground Lease Term at the Long Creek Youth Development Center from 50 to 90 Years**

**Sec. 1. Resolve 2001, c. 95, §3, amended. Resolved:** That Resolve 2001, c. 95, §3 is amended to read:

**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~~ 90 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

; and be it further

**Sec. 2. Resolve 2001, c. 95, §3-A, enacted. Resolved:** That Resolve 2001, c. 95, §3-A is enacted to read:

**Sec. 3-A. Developer requirements. Resolved:** That the lessee of the property must agree to the following conditions.

1. The lessee shall make every effort to redevelop the administration building of the Long Creek Youth Development Center and, if the building is redeveloped, seek a tenant or tenants for it;

2. The lessee shall decide within 7 years after signing the lease whether to redevelop or demolish at the lessee's expense the administration building;

3. The lessee shall take sole responsibility for the administration building at the time the option to lease the property is exercised. The option and the ground lease must include the administration building. Title to the administration building must transfer to the lessee at the time the lessee exercises the option to

lease the other buildings at the Long Creek Youth Development Center; and

4. If the lessee is unsuccessful in redeveloping the administration building, the lessee shall take responsibility for all costs of abatement and demolition of the building including administrative time incurred by officials of the State; and be it further

See title page for effective date.

## CHAPTER 54

H.P. 1118 - L.D. 1527

### **Resolve, Regarding Legislative Review of Chapter 120: Release of Information to the Public, a Major Substantive Rule of the Maine Health Data Organization**

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

**Whereas,** the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** the above-named major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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. Adoption. Resolved:** That final adoption of Chapter 120: Release of Information to the Public, a provisionally adopted major substantive rule of the Maine Health Data Organization that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective May 30, 2003.

## CHAPTER 55

S.P. 299 - L.D. 903

### **Resolve, Regarding Consumer Information for Medicare Beneficiaries**

**Sec. 1. Notification practices. Resolved:** That the Department of Human Services and the Department of Professional and Financial Regulation, Bureau of Insurance, in consultation with a statewide organization providing legal services for the elderly and other consumer advocates, shall:

A. Examine current practices for notifying Medicare beneficiaries of consumer protections and options regarding Medicare supplement insurance policies upon enrollment in or termination from the MaineCare program or MaineCare's qualified Medicare beneficiary program; and

B. Develop practices and procedures to ensure that Medicare beneficiaries are informed of consumer protections and options, how to exercise those protections and options and how to get more information about them.

See title page for effective date.

## CHAPTER 56

H.P. 1101 - L.D. 1508

### **Resolve, Regarding Legislative Review of Chapter 7: Rules Advancing the Performance of Sound Student Safety Practices in Maine's Public Schools and Colleges, a Major Substantive Rule of the Department of Labor, Bureau of Labor Standards, Board of Occupational Safety and Health**

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

**Whereas,** the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** the above-named major substantive rule has been submitted to the Legislature for review; and