

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

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

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 7: Rules Advancing the Performance of Sound Student Safety Practices in Maine's Public Schools and Colleges, a provisionally adopted major substantive rule of the Department of Labor, Bureau of LaborStandards, Board of Occupational Safety and Health that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the rule is amended as follows.

1. The rule must be amended in the part designated "I. Summary of purpose" by deleting the 2nd sentence, which summarizes parts of the rule that are not authorized for final adoption.

2. The rule must be amended by deleting the part designated "III. Educational institution's duty to respond."

3. The rule must be amended by deleting the part designated "V. Board of Occupational Safety and Health oversight of this rule."

4. The rule must be amended by deleting the part designated "VI. Educational institutions' additional duties to advance student safety through sound student safety practices initiatives."

5. The rule must be amended by deleting the part designated "VII. Enforcement"; and be it further

Sec. 2. Finding. Resolved: That the Legislature has determined that the portions of Chapter 7: Rules Advancing the Performance of Sound Student Safety Practices in Maine's Public Schools and Colleges that are not authorized for final adoption as provided in section 1 would add new requirements to the existing health and safety requirements already mandated to school administrative units and that these new requirements could have a significant fiscal impact on school administrative units. The Legislature has also determined that the portions of the provisionally adopted major substantive rule that are authorized for final adoption as provided in section 1 are sufficient to permit the Department of Labor, Bureau of Labor Standards to communicate allegations of unsafe student conditions in educational institutions and to provide any technical assistance that

may be necessary to these educational institutions. The Board of Occupational Safety and Health is not required to hold hearings or conduct other formal proceedings prior to finally adopting this rule in accordance with this resolve.

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

Effective June 2, 2003.

CHAPTER 57

H.P. 66 - L.D. 58

Resolve, to Expand the Choices of People Seeking Mental Health Therapy Under the MaineCare Program

Sec. 1. Demonstration project. Resolved: That the Department of Human Services in cooperation with the Department of Behavioral and Developmental Services is authorized to undertake a demonstration project in one or more regions of the State to permit a limited number of licensed clinical social workers, licensed clinical professional counselors and licensed marriage and family therapists to obtain direct reimbursement from the Department of Human Services for the delivery of covered mental health services to MaineCare members. The demonstration project must be budget-neutral to the MaineCare program. Operation of the demonstration project is subject to the following conditions:

1. Therapeutic relationship. The demonstration project may not cause significant disruption of the therapeutic relationship between MaineCare members and the mental health professionals providing treatment to them; and

2. Credentials. A mental health professional permitted direct reimbursement under the demonstration project must meet the credential, professional, supervision and quality assurance requirements applicable to the profession and those requirements developed by the Department of Human Services in cooperation with the Department of Behavioral and Developmental Services; and be it further

Sec. 2. Reports. Resolved: That the Department of Behavioral and Developmental Services and the Department of Human Services shall report by January 15, 2004 and October 30, 2004 to the Joint Standing Committee on Health and Human Services regarding the following: the number of regions in which the demonstration project was established, whether the project expanded access to mental health services, whether the project was cost-