

# 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**

**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 Portions of the MaineCare Benefits Manual, Chapter 11 and Chapter 111, Section 40: Home Health Services, a provisionally adopted major substantive rule of the Department of Human Services, Bureau of Medical Services 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 June 4, 2003.

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**CHAPTER 68**

**H.P. 936 - L.D. 1264**

**Resolve, Regarding Notice of Deficient Care in Long-term Care Settings**

**Sec. 1. Notice of deficient care in long-term care settings. Resolved:** That the Department of Human Services, Bureau of Medical Services, Division of Licensing shall work together with interested parties, providers of long-term care services in home settings and in facilities and advocates for persons with disabilities, the elderly and consumers of long-term care services to review information that is available to the public on deficient care in long-term care settings. This working group shall review information available through the federal Centers for Medicare and Medicaid Services and the State of Maine on deficient care in long-term care settings and shall provide a report and make recommendations regarding increased access to public information regarding deficiencies in long-term care settings to the Joint Standing Committee on Health and Human Services no later than February 1, 2004.

See title page for effective date.

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**CHAPTER 69**

**H.P. 999 - L.D. 1364**

**Resolve, Regarding Opportunities To Decrease the Occurrence of Developmental Disabilities and Mental Health Challenges in Childhood**

**Sec. 1. Report. Resolved:** That the Maine Developmental Disabilities Council may submit a report and recommendations to the Joint Standing Committee on Health and Human Services regarding the results of its work to identify opportunities to decrease the occurrence of developmental disabilities and mental health challenges in childhood. Following receipt and review of the report, the Joint Standing Committee on Health and Human Services may report out legislation based on the report and recommendations to the Second Regular Session of the 121st Legislature.

See title page for effective date.

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**CHAPTER 70**

**S.P. 262 - L.D. 767**

**Resolve, Directing the Department of Human Services To Enact Rules To Reduce the Health Risks Associated with Latex Gloves**

**Sec. 1. Rules. Resolved:** That the Department of Human Services, Bureau of Health shall adopt rules requiring the development of protocols regarding the use of latex gloves in the following environments: hospitals, offices of health care providers, health facilities, nursing facilities and home health agencies. The rules must direct persons responsible for the applicable entities to develop protocols after considering the health and safety of employees and the general public and the particular environment to which the protocols will apply. By January 30, 2004 the Bureau of Health shall report back to the Joint Standing Committee on Health and Human Services regarding the rules, the development of protocols, the anticipated impact of the protocols and whether legislation is required to further address allergies to latex gloves. Rules adopted pursuant to this resolve are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A; and be it further

**Sec. 2. Report. Resolved:** That the Department of Labor shall study the development of protocols regarding the use of latex gloves in commercial establishments, industrial facilities and state agencies and shall report to the Joint Standing