

# 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

Committee on Health and Human Services by January 15, 2004 with recommendations for legislation; and be it further

**Sec. 3. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

**HUMAN SERVICES, DEPARTMENT OF**

**Bureau of Health**

Initiative: Appropriates funds for one 1/2-time Public Health Nurse II position and associated administrative costs to develop and administer rules for the development of protocols for the use of latex gloves.

<b>General Fund</b>	<b>2003-04</b>	<b>2004-05</b>
Positions - Legislative Count	(0,500)	(0,500)
Personal Services	\$19,718	\$23,661
All Other	28,700	14,800
General Fund Total	\$48,418	\$38,461

See title page for effective date.

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**CHAPTER 71**

**S.P. 52 - L.D. 129**

**Resolve, Directing the Department of Inland Fisheries and Wildlife To Conduct a Programmatic Review within Certain Areas of the Department**

**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 Department of Inland Fisheries and Wildlife manages the State's vast inland fish and wildlife resources that provide varied and unique outdoor opportunities and form the bedrock of Maine's economy; and

**Whereas,** it is widely recognized that periodic independent reviews of the department are essential to the effective and efficient operation of the department; and

**Whereas,** the department has not undergone an exhaustive departmentwide review in recent history; 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. Contract for assessment of Division of Public Information and Education, Bureau of Warden Service, Bureau of Administrative Services and wildlife management program. Resolved:** That the Commissioner of Inland Fisheries and Wildlife, referred to in this resolve as "the commissioner," shall contract with outside experts to assess, evaluate and recommend improvements in all aspects of the Division of Public Information and Education, Bureau of Warden Service, Bureau of Administrative Services and the State's wildlife management program, referred to in this resolve as "the review areas"; and be it further

**Sec. 2. Procedures to be used. Resolved:** That a contract awarded pursuant to this resolve must be awarded in accordance with applicable state laws, rules and procedures relating to the purchase of services and awarding of contracts. The Department of Inland Fisheries and Wildlife, referred to in this resolve as "the department," shall establish a panel to assist in developing a scope of work and evaluating and selecting a proposal. The panel must include appropriate department staff and up to 5 people representing statewide organizations with an interest in one or more of the review areas; and be it further

**Sec. 3. Scope of work. Resolved:** That the programmatic review required in this resolve must include, but not be limited to: planning and budgeting; staffing levels; personnel leadership and technical skills; applicable laws, rules and policies governing the program; decision-making processes; and resource management and public involvement practices. In addition to a contract specifying that the contractor must assess the department's professional ability to design and carry out an effective Bureau of Administrative Services, Division of Public Information and Education, Bureau of Warden Service and wildlife management program, a contract awarded pursuant to this resolve must include a requirement that the contractor identify members of the public who consider themselves stakeholders and include their feedback in the assessment process; and be it further

**Sec. 4. Funding. Resolved:** That all funding for the work required in this resolve must come solely from non-General Fund sources. The commissioner must secure funding from non-General Fund sources prior to commencing work pursuant to this resolve. The commissioner may accept grants and donations for the work required pursuant to this resolve and expend those funds as necessary to accomplish the purposes of this resolve. In the event that adequate funds are not secured, the commissioner may at the commissioner's discretion terminate this work; and be it further

**Sec. 5. Report required. Resolved:** That the commissioner shall submit in a single report the