

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
2004

CHAPTER 107

H.P. 134 - L.D. 175

**Resolve, To Allow MaineCare
Reimbursement for Licensed
Marriage and Family Therapists To
Provide Services to Child Protective
Services Clients and Adult Protective
Services Clients**

Sec. 1. Department of Human Services to amend rules. Resolved: That the Department of Human Services shall amend the MaineCare Benefits Manual, Chapter II, Section 58 to add licensed marriage and family therapists as approved providers of prior authorized professional assessment, counseling and therapeutic services to children or adults referred by the Bureau of Child and Family Services or the Bureau of Elder and Adult Services. Rule changes pursuant to this section are routine technical rules as defined by the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A; and be it further

Sec. 2. Report required. Resolved: That the Department of Human Services shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 31, 2005 on the implementation and initial impact of adding licensed marriage and family therapists as approved providers under the MaineCare Benefits Manual, Chapter II, Section 58. The report must include the number of licensed marriage and family therapists billing for these services and the average amount billed per therapist by month.

See title page for effective date.

CHAPTER 108

H.P. 1329 - L.D. 1807

**Resolve, Authorizing the State Tax
Assessor To Convey the Interest of
the State in a Certain Parcel of Real
Estate Located in the City of Auburn**

Sec. 1. State Tax Assessor authorized to convey real estate. Resolved: That the State Tax Assessor is authorized to convey by sale the interest of the State in a parcel of real estate in the City of Auburn formerly owned by Robert W. Jones. Except as otherwise directed in this resolve, the sale must be made to the highest bidder subject to the following provisions.

1. Notice of the sale must be published 3 times prior to the sale, once each week for 3 consecutive

weeks, in a newspaper of general circulation in Androscoggin County.

2. The parcel may not be sold for less than the amount authorized in this resolve. If identical high bids are received, the bid postmarked with the earliest date is considered the highest bid.

Employees of the Department of Administrative and Financial Services, Bureau of Revenue Services and spouses, siblings, parents and children of employees of the Bureau of Revenue Services are barred from acquiring from the State the real property subject to this resolve.

Upon receipt of payment as specified in this resolve, the State Tax Assessor shall record a quitclaim deed in the appropriate registry at no additional charge to the purchaser before sending the deed to the purchaser.

Abbreviations and plan and lot references are identified in the 2001 City of Auburn Valuation book; and be it further

Sec. 2. Description of parcel. Resolved: That the parcel in question is Map 219, Lot 175 in the City of Auburn, recorded in Book 946, Page 163 and located at 141 Fairview Avenue, approximately halfway between Court Street and Minot Avenue. It is the same parcel formerly owned by Robert W. Jones, who died on August 6, 2001, and identified in a Certificate of Mortgage Lien for Repayment of Taxes on Deferred Homestead Property recorded May 31, 2002 at Androscoggin County Registry of Deeds, Book 5008, Page 166; and be it further

Sec. 3. Sale to personal representative or to highest bidder. Resolved: That the State Tax Assessor is directed to sell the parcel as is to Jeremy W. Jones, duly appointed personal representative of the estate of the parcel's former owner, for \$57,340.91, plus the remediation cost, if any. The remediation cost is the cost incurred by the State of Maine to pay for the remediation of any hazard located at the property, including the remediation of any environmental hazard on the property and the maintenance, dismantling or demolition of any unsafe structure located on the property and any other costs associated with the disposal of the property. If Jeremy W. Jones does not pay \$57,340.91 plus the remediation cost within 60 days after the effective date of this resolve, the State Tax Assessor is directed to sell the parcel as is to the highest bidder. The State Tax Assessor may reject any and all bids. Sale proceeds must be credited to the Senior Property Tax Deferral Revolving Account. The State Tax Assessor shall apply the proceeds first to taxes and accrued interest, then to the costs of sale and finally to defrayal of the remediation cost. Any

residual amount must be paid to the heirs of Robert W. Jones.

See title page for effective date.

CHAPTER 109

H.P. 987 - L.D. 1341

Resolve, Directing the Department of Human Services To Adopt Rules To Reduce Regulatory Burdens on Home Health Agencies while Maintaining Budget Neutrality

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

Whereas, immediate relief from regulatory burdens will produce fiscal savings for home health agencies and the Department of Human Services; 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. Adopt rules. Resolved: That by July 1, 2004 the Department of Human Services shall amend the rules regarding medical assessment for long-term care services reimbursed under the MaineCare program as they pertain to assessments for home health care services under Rule Chapter 101, the MaineCare Benefits Manual, Ch. II - Section 40 of the department's rules. The amended rules may move the initial period prior to an assessment from no less than 60 days to no more than 120 days. Any resulting rule must be cost neutral to the home health program under Rule Chapter 101, the MaineCare Benefits Manual, Ch. II - Section 40 of the department's rules within the MaineCare program. By April 1, 2005, the Department of Human Services shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding the experience of the department and the home health agencies under the 120-day period prior to initial assessment and the fiscal implications for the MaineCare program. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

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

Effective March 10, 2004.

CHAPTER 110

H.P. 927 - L.D. 1253

Resolve, Directing the Department of Conservation To Implement a Pilot Project To Evaluate Outdoor Playground Surface Materials

Sec. 1. Use of alternative outdoor playground surface. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation work with representatives of the Department of Education, the Department of Environmental Protection and the Executive Department, State Planning Office to develop a pilot project to evaluate the use of waste tire material as a playground surfacing material. The playground chosen for the pilot project must be within a state park or recreation area managed by the Department of Conservation, Bureau of Parks and Lands. The material used must conform to guidelines for outdoor playground surfaces developed by the Department of Education in accordance with Resolve 2003, chapter 10. The waste tire material may be restricted to certain areas within the playground. Implementation of the pilot project is contingent on the director's securing necessary funding from private and public sources.

The Director of the Bureau of Parks and Lands shall report to the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters by January 15, 2005 on the pilot project, including a description of the project location and areas surfaced, the type, source and cost of waste tire material used and the plan for evaluating the material.

See title page for effective date.

CHAPTER 111

H.P. 657 - L.D. 880

Resolve, Directing the Department of Labor to Collect Certain Data Involving Retirees Receiving Social Security or Other Pensions

Sec. 1. Collection of data. Resolved: That the Department of Labor shall collect the following data: