

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

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: