

# 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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2004**

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

See title page for effective date.

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## 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.

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## 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.

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## 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:

1. The number of persons who apply for unemployment benefits and whose benefits are reduced as a result of receiving benefits under the United States Social Security Act, as amended, or other pensions or annuities described in the Maine Revised Statutes, Title 26, section 1193, subsection 9;

2. The total dollar amount of reductions and the average reduction resulting from application of Title 26, section 1193, subsection 9; and

3. Any other information the department considers useful in determining the impact of the so-called "pension offset."

The department shall submit a report containing the data collected pursuant to this resolve to the joint standing committee of the Legislature having jurisdiction over labor matters by November 30, 2004.

See title page for effective date.

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## CHAPTER 112

### H.P. 136 - L.D. 177

#### **Resolve, To Ensure That Emergency Medical Help Is Available to All School Children**

**Preamble.** **Whereas**, the Legislature recognizes that the health and safety of students in our schools is a preeminent concern of school officials and educational personnel across the State; and

**Whereas**, having a medical emergency response plan in place to effectively respond to inevitable medical emergencies resulting from sudden cardiac events is both prudent and necessary for our schools; and

**Whereas**, the Cardiopulmonary Resuscitation and Automated External Defibrillators for Maine Schools Workgroup convened by the Department of Education has acknowledged the important progress that many of Maine's school administrative units have made in establishing emergency response teams comprised of school personnel who hold valid certifications in cardiopulmonary resuscitation and whose roles include providing an immediate response to a medical emergency in order to stabilize the medical emergency until emergency medical services arrives at the scene of the emergency; and

**Whereas**, a survey of state school nurse consultants regarding their states' requirements for CPR-certified personnel in schools found that a number of states specify that certain school personnel, including school health staff, athletic coaches and bus drivers, be certified in CPR and further discovered that several

states specify a formula for the number of school personnel to be certified on a per student or per building basis in order to increase the number of people able to respond to a medical emergency resulting from a sudden cardiac event; and

**Whereas**, the public has a justifiable and legitimate interest in ensuring that every student has adequate access during the school day to school personnel who are certified in cardiopulmonary resuscitation and who can serve as first responders in medical emergencies resulting from sudden cardiac events; now, therefore, be it

**Sec. 1. Survey. Resolved:** That the Department of Education, working together with the school nurse consultant under the Maine Revised Statutes, Title 22, section 1971, the School Health Advisory Committee and other appropriate organizations, shall review the recommendations of the Cardiopulmonary Resuscitation and Automated External Defibrillators for Maine Schools Workgroup and shall design a survey of school administrative units and private schools enrolling more than 60% of their students at public expense in the State regarding the extent to which these school administrative units and private schools have medical emergency response plans in place and have developed emergency response teams comprised of school personnel who hold valid certifications in cardiopulmonary resuscitation and whose roles include providing an immediate response to a medical emergency, including a medical emergency resulting from a sudden cardiac event.

In reviewing the recommendations of the Cardiopulmonary Resuscitation and Automated External Defibrillators for Maine Schools Workgroup prior to designing the survey of school administrative units and private schools in accordance with this section, the department shall also review the most recent guidance provided by the American Heart Association and the National Association of School Nurses regarding emergency preparedness planning in kindergarten through grade 12 public schools.

The survey developed by the department must assess the following:

1. As of the end of the 2003-2004 school year, the number of school administrative units and private schools enrolling more than 60% of their students at public expense in the State that have written local policies and procedures for ensuring that every student has adequate access during the school day to school personnel that are certified in cardiopulmonary resuscitation;

2. As of the end of the 2003-2004 school year, the number of school administrative units and private schools enrolling more than 60% of their students at