

# 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**

**CHAPTER 133****H.P. 1302 - L.D. 1780****Resolve, To Promote Transparency  
in Budgeting**

**Sec. 1. Pilot project. Resolved:** That representatives from the office of the Chief Information Officer within the Department of Administrative and Financial Services, the Executive Department, State Planning Office and the Department of Audit shall work together to initiate a pilot project to develop a publicly accessible site on the Internet for the purpose of posting municipal and county budgets and shall invite a representative of the Maine Municipal Association to work with them. The purpose of this pilot project is to make this information more readily available to the public and municipal and county officials. The program must include the following components:

**1. Voluntary participation.** Participation in the pilot project must be voluntary for municipalities and counties;

**2. Lead agency.** One state agency must be designated as the lead agency to create and maintain the publicly accessible site on the Internet; and

**3. Existing resources.** The pilot project must be created within existing resources.

The lead agency designated under subsection 2 shall report to the joint standing committee of the Legislature having jurisdiction over state and local government matters by January 14, 2005 with recommendations on creating a permanent publicly accessible site on the Internet for this purpose.

See title page for effective date.

**CHAPTER 134****H.P. 1353 - L.D. 1830****Resolve, Regarding Legislative  
Review of Portions of Chapter 16:  
Foster Home Licensing Rule  
Regarding Smoking by Foster  
Parents, a Major Substantive Rule of  
the Department of Human Services**

**Sec. 1. Adoption. Resolved:** That final adoption of Portions of Chapter 16: Foster Home Licensing Rule Regarding Smoking by Foster Parents, a provisionally adopted major substantive rule of the Department of Human 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 provided the following changes are made in section 9, paragraph K.

1. With regard to smoking when a foster child is absent from the foster home, smoking is prohibited within 12 hours prior to the expected return of the foster child.

2. With regard to smoking when a foster child is placed in respite care, smoking is prohibited in the respite home within 12 hours prior to the child's expected respite placement.

3. With regard to smoking in a foster parent's motor vehicle, smoking is prohibited within 12 hours prior to transporting a foster child.

See title page for effective date.

**CHAPTER 135****H.P. 1391 - L.D. 1867****Resolve, Regarding Legislative  
Review of Chapter 101: MaineCare  
Benefits Manual, Chapter III,  
Section 97, Private Non-medical  
Institution Services, a Major  
Substantive Rule of the Department  
of Human Services**

**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 Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** the above-named major substantive rule has been submitted to the Legislature for review; and

**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 Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97, Private Non-medical Institution Services, a provisionally adopted major substan-

tive rule of the Department of Human 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 provided the following changes are made in Section 97.

1. The principles of reimbursement in Section 97 must be changed to eliminate reduced reimbursement for private nonmedical institutions that use a calculation of bed-hold days for medical and remedial private nonmedical institution residents. In place of bed-hold days and in order to produce the same amount of savings for the MaineCare program, the principles of reimbursement for room and board in Section 115 must provide for a general rate reduction of 25 cents per resident per day in the facility-specific routine component of the room-and-board portion of payment.

2. The principles of reimbursement must be changed in the wording used to refer to reimbursement related to foreign exchange fellows of professional exchange programs for social workers in private nonmedical institution settings: the word "stipend" in the rule and appendices must be changed to "contract fee."

In order to accomplish the rule changes required by this resolve, the Department of Human Services shall adopt emergency rules to implement this resolve; and be it further

**Sec. 2. Appropriations and allocations.** Resolved: That the following appropriations and allocations are made.

**HUMAN SERVICES, DEPARTMENT OF**

**Medical Care - Payments to Providers 0147**

Initiative: Allocates funds to restore a Federal Expenditures Fund deallocation as a result of replacing a Public Law 2003, chapter 20, Part B, MaineCare private nonmedical institution (PNMI) payment reduction with a state-only room-and-board payment reduction.

<b>Federal Expenditures Fund</b>	<b>2003-04</b>	<b>2004-05</b>
All Other	\$97,319	\$388,408
Federal Expenditures		
Fund Total	\$97,319	\$388,408

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

Effective April 22, 2004.



**CHAPTER 136**

**H.P. 1392 - L.D. 1868**

**Resolve, Regarding Legislative Review of Portions of Chapter 1: Procedures and Portions of Chapter 3: Maine Clean Election Act and Related Provisions, Major Substantive Rules of the Commission on Governmental Ethics and Election Practices**

**Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 1: Procedures and portions of Chapter 3: Maine Clean Election Act and Related Provisions, provisionally adopted major substantive rules of the Commission on Governmental Ethics and Election Practices that have been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made.

1. In Chapter 1, section 5, with regard to the advance purchases of goods and services, the language must be changed to require that consulting services or the design, printing or distribution of campaign literature or advertising contracted or paid for prior to the primary election must be received prior to the primary election. This provision must also require that if a preponderance of the items purchased during the primary election cycle are used during the general election cycle, then the candidate or any other person required to file a report to the Commission on Governmental Ethics and Election Practices shall report these purchases as expenditures made during the general election cycle.

2. In Chapter 3, section 6, subsection 4, with regard to distribution of funds to certified Maine Clean Election Act candidates, subparagraphs (1) and (2) under paragraph A must be changed to state that if the preponderance of consulting services or the design, printing or distribution of campaign literature and advertising purchased prior to the primary election by an opponent of a certified Maine Clean Election Act candidate are used for the general election, then the certified Maine Clean Election Act candidate is entitled to a corresponding amount of matching funds.

3. The effective date of rules adopted in accordance with this resolve may not be until January 1, 2005.

See title page for effective date.

