

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**SECOND SPECIAL SESSION**  
**July 29, 2005**

**SECOND REGULAR SESSION**  
**January 4, 2006 to May 24, 2006**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 28, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 23, 2006**

**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**  
**2006**

are expert in pharmacotherapy for pediatric, geriatric and psychiatric populations.

A. A vote of 2/3 of the members of the department's MaineCare drug utilization review committee present is required to add or delete a drug from the list of drugs that are subject to reimbursement and coverage under the MaineCare program.

B. A determination under rules adopted pursuant to subsection 3 that a drug or category of drug is not covered by the MaineCare program is a final agency action subject to review under the Maine Administrative Procedure Act.

**Sec. DDDD-2. PL 2005, c. 386, Pt. X, §§6 and 7** are repealed.

**Sec. DDDD-3. Retroactivity.** This Part applies retroactively to June 13, 2005.

#### PART EEEE

**Sec. EEEE-1. Report.** The Commissioner of Health and Human Services shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2007 on the efforts of the Department of Health and Human Services to increase the availability of workers for homemaker and home-based care programs administered by the Office of Elder Services.

#### PART FFFF

**Sec. FFFF-1. Appropriations and allocations.** The following appropriations and allocations are made.

##### ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

##### Homestead Property Tax Exemption Reimbursement 0886

Initiative: Deappropriates fiscal year 2005-06 savings.

GENERAL FUND	2005-06	2006-07
All Other	(\$3,800,000)	\$0
GENERAL FUND TOTAL	(\$3,800,000)	\$0

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

Effective March 29, 2006, unless otherwise indicated.

## CHAPTER 520

S.P. 723 - L.D. 1923

### An Act To Maintain Standards for the Plumbing Profession

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 32 MRSA §3501, sub-§2, ¶B**, as amended by PL 2003, c. 688, Pt. A, §37, is further amended to read:

B. A minimum of 2,000 hours of work in the field of plumbing installations as a journeyman-in-training under the supervision of a licensed master plumber, as long as the work experience is obtained within 4 years of the date upon which the applicant was issued a journeyman-in-training license. A journeyman-in-training license must be issued upon sworn application to any person who has satisfactorily completed one academic year of instruction in plumbing at a board-approved technical college or community college or a registered Department of Labor joint apprenticeship program and who has obtained a passing grade, as determined by the board on the journeyman's examination.

See title page for effective date.

## CHAPTER 521

H.P. 1292 - L.D. 1852

### An Act To Amend the Laws Governing Permanency Guardians

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 22 MRSA §4038-C, sub-§7**, as enacted by PL 2005, c. 372, §6, is amended to read:

**7. Effect on inheritance rights and public benefits.** The appointment of a permanency guardian does not affect the inheritance rights between a child and the child's parent or parents.

The appointment of a permanency guardian may not affect the child's entitlement to benefits due that child from any 3rd person, agency or state or the United States. ~~The~~ Except as required by federal law or regulation, the permanency guardian's resources and income are not counted in determining eligibility for any public benefit to which the child may be entitled.

The permanency guardianship does not affect the rights and benefits that a Native American derives

from descent from a member of a federally recognized Indian tribe.

**Sec. 2. 22 MRSA §4038-C, sub-§11** is enacted to read:

**11. Application to pending cases.** The District Court may appoint a permanency guardian in a proceeding pending on September 17, 2005 or in a proceeding commenced on or after September 17, 2005.

**Sec. 3. 22 MRSA §4038-D, sub-§10**, as enacted by PL 2005, c. 372, §6, is amended to read:

**10. Permanency guardian's eligibility for public benefits.** The Except as required by federal law or regulation, the guardianship subsidy may not be counted as resources or income in the determination of the permanency guardian's eligibility for any public benefit.

**Sec. 4. 22 MRSA §4038-D, sub-§11** is enacted to read:

**11. Application to pending cases.** The department may provide a guardianship subsidy pursuant to this section to a child who is the subject of a child protection proceeding pending on September 17, 2005 or to a child who is the subject of a child protection proceeding commenced on or after September 17, 2005.

See title page for effective date.

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## CHAPTER 522

H.P. 1294 - L.D. 1854

### An Act To Expand the Alternative Aid Program

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 22 MRSA §3763, sub-§8**, as enacted by PL 1997, c. 530, Pt. A, §16, is amended to read:

**8. Alternative aid.** To assist applicants who seek short term assistance to obtain or retain employment, the department shall pay one time voucher payments of up to 3 times the monthly TANF grant for which the family is eligible. The department shall provide alternative aid to applicants who seek short-term assistance in order to obtain or retain employment. The applicants must meet the eligibility requirements established by rule adopted pursuant to section 3762, subsection 3, paragraph A. The alternative aid may not exceed 3 times the value of the monthly TANF grant for which the applicant's family

is eligible. An eligible applicant may receive alternative aid no more than once during any 12-month period. If the family reapplies for TANF within 3 months of receiving alternative aid, the family must shall repay any alternative aid received in excess of the amount that the family would have received on TANF. The method of repayment must be the same as that used for the repayment of unintentional overpayments in the TANF program.

See title page for effective date.

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## CHAPTER 523

S.P. 664 - L.D. 1747

### An Act To Assist Maine Military Families

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

**Whereas**, with the continued and ongoing deployment of Maine residents to active military duty, it is necessary that the leave authorized by this legislation become immediately available to the family members of those residents; 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 enacted by the People of the State of Maine as follows:**

**Sec. 1. 26 MRSA c. 7, sub-c. 5**, as amended, is further amended by repealing the subchapter headnote and enacting the following in its place:

### SUBCHAPTER 5

### LEAVE RELATING TO RESERVE TRAINING OR MILITARY SERVICE

**Sec. 2. 26 MRSA §814** is enacted to read:

#### **§814. Family military leave**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Deployed for military service" or "deployment" means active military duty with the state military forces, as defined in Title 37-B, section 102, or the United States Armed Forces, includ-