

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2004 to March 30, 2005**

**FIRST SPECIAL SESSION**  
**April 4, 2005 to June 18, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 17, 2005**

**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**  
**2005**

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

Effective May 26, 2005.

## CHAPTER 54

S.P. 212 - L.D. 676

### Resolve, Regarding the No Child Left Behind Act of 2001

#### Sec. 1. Suit against Federal Government.

**Resolved:** That the Attorney General shall determine, based on appropriate and substantial data collected by the Department of Education, whether an increase in federal funding is necessary to fully implement in this State the federal No Child Left Behind Act of 2001 or whether there is a basis for relief from the requirements of the Act for which costs are not covered by the federal funding received. If, based on the review, the Attorney General determines that the federal funding is insufficient or there is a basis for relief, the Attorney General is authorized to bring an action on behalf of the State and the school administrative units within the State against the Federal Government and appropriate parties.

See title page for effective date.

## CHAPTER 55

S.P. 171 - L.D. 545

### Resolve, To Improve Procedures for Assessing the Mental Health Services Needs of Older Individuals

**Sec. 1. Recommend procedure to assess mental health needs of older persons; data collection. Resolved:** That the Department of Health and Human Services shall recommend a procedure for the timely assessment of an older individual's need for mental health services. The recommendations must include an efficient, cost-effective data collection process to identify consumer needs for mental health services for older persons, regardless of the setting. Recommendations developed under this section must be undertaken in consultation with the work group convened in section 2 and must be included in the report required under section 3; and be it further

**Sec. 2. Work group. Resolved:** That the Department of Health and Human Services and the Joint Advisory Committee on Select Services for Older Persons shall, in consultation with other

consumers, providers and advocates, form a work group and shall:

1. Review and make recommendations on a mental health assessment screen as part of the needs assessment of applicants for long-term care services;

2. In consultation with the State Board of Nursing and the Department of Education, review training curricula for direct care workers in all long-term care settings and recommend revisions to the curricula necessary to include a stronger focus on the identification of and management of behavioral disorders in the long-term care population. In conducting that review, the Department of Health and Human Services and the work group shall consider the creation of a specialized behavioral health certification for certified nursing assistants; and

3. Review and make recommendations concerning other information regarding the needs of persons over 60 years of age, including, but not limited to, a review of the following:

A. Information regarding minimum data set data on the use of psychotropics in all long-term care facilities;

B. The number of hospitalizations due to psychiatric or behavioral episodes, including the referral setting;

C. The number of adult protective service intakes related to mental health and behavioral issues and their outcomes;

D. The number and type of consultations performed by Department of Health and Human Services behavioral consultants, including trends, characteristics and outcomes;

E. Mental health services provided through MaineCare by diagnosis for persons over 60 years of age;

F. The number of consent decree clients with dementia and the number of persons with mental retardation and developmental disabilities over 60 years of age; and

G. Information regarding spending for geriatric mental health services; and be it further

**Sec. 3. Report. Resolved:** That the Department of Health and Human Services and the Joint Advisory Committee on Select Services for Older Persons shall jointly submit a report on the issues identified in sections 1 and 2, including recommendations and suggested legislation, to the Joint Standing

Committee on Health and Human Services by January 14, 2006.

See title page for effective date.

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## CHAPTER 56

H.P. 1008 - L.D. 1444

### Resolve, Regarding Teacher Certification Requirements

**Sec. 1. Application of teacher certification rules. Resolved:** That, prior to January 1, 2006, a person who has completed a postsecondary teacher preparation program in the State and meets all requirements for an initial certificate to become a new teacher under chapter 115 of the Department of Education's rules adopted pursuant to the Maine Revised Statutes, Title 20-A, section 13011 in effect on July 31, 2005 may be certified under those rules in effect on July 31, 2005.

See title page for effective date.

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## CHAPTER 57

H.P. 1137 - L.D. 1610

### Resolve, Regarding Legislative Review of Portions of Chapter 306: Uniform Information Disclosure and Informational Filing Requirements, a Major Substantive Rule of the Public Utilities Commission

**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 preserva-

tion of the public peace, health and safety; now, therefore, be it

**Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 306: Uniform Information Disclosure and Informational Filing Requirements, a provisionally adopted major substantive rule of the Public Utilities Commission that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective May 26, 2005.

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## CHAPTER 58

H.P. 1142 - L.D. 1619

### Resolve, Regarding Legislative Review of Portions of Chapter 2: Aquaculture Lease Regulations - Lighting Standards and Noise and Visual Impact Standards, a Major Substantive Rule of the Department of Marine Resources

**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 portions of Chapter 2: Aquaculture Lease Regulations - Lighting Standards and Noise and Visual Impact Standards, a provisionally adopted major substantive rule of the Department of Marine