

# 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**

**CHAPTER 60****H.P. 19 - L.D. 16****Resolve, Regarding the Certificate of Need Process**

**Sec. 1. Certificate of need process. Resolved:** That the Department of Health and Human Services shall study the certificate of need process with the intent of providing incentives to the applicant and department for the application, review and decision processes to be completed in a more timely manner. In the study the department shall consider the capital investment fund, the certificate of need process, the statutory time period for review and decisions by the Commissioner of Health and Human Services and the statutory requirement of periodic consideration of certificate of need applications. By January 31, 2006, the department shall report to the Joint Standing Committee on Health and Human Services with the results of the study and any recommendations from the department.

See title page for effective date.

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**CHAPTER 61****H.P. 56 - L.D. 60****Resolve, To Require the Department of Health and Human Services To Adopt Rules Regarding Accrual of Cost Savings**

**Sec. 1. Rulemaking. Resolved:** That, by January 1, 2006, the Department of Health and Human Services shall provisionally adopt rules amending the principles of reimbursement of intermediate care facilities for mental retardation to create facility-specific incentives for the efficient management of variable costs by those facilities. The department shall notify the Joint Standing Committee on Health and Human Services of any rule that is proposed pursuant to this resolve. Rules adopted pursuant to this resolve are major substantive rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A and must be submitted for review by the Joint Standing Committee on Health and Human Services during the Second Regular Session of the 122nd Legislature.

See title page for effective date.

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**CHAPTER 62****H.P. 982 - L.D. 1418****Resolve, To Direct the Public Utilities Commission To Examine Issues Related to the Collection of Certain Fees on Prepaid Wireless Telephone Services**

**Sec. 1. Public Utilities Commission to study collection of fees on prepaid wireless telephone service. Resolved:** That the Public Utilities Commission shall investigate methods of ensuring equity in funding the E-9-1-1 system, the Telecommunications Education Access Fund and the universal service fund, established by the Public Utilities Commission, through the collection of fees on prepaid wireless telephone service. The commission shall consider, without limitation, methods that involve collecting fees from providers of the service and methods that involve collecting fees at the retail point of sale. The commission shall also consider methods to establish the amount of fees and how or whether these should relate to the sale price or value of prepaid wireless telephone service. The commission shall examine methods used in other jurisdictions to determine if suitable models have been created that have proven to be effective; and be it further

**Sec. 2. Report date. Resolved:** That the Public Utilities Commission shall submit a report of its findings under section 1 and recommendations together with any implementing legislation to the Joint Standing Committee on Utilities and Energy no later than the first Monday in February 2006; and be it further

**Sec. 3. Authority to report out bill. Resolved:** That the Joint Standing Committee on Utilities and Energy may report out a bill to the Second Regular Session of the 122nd Legislature relating to the subject matter of the report submitted by the Public Utilities Commission under section 2.

See title page for effective date.

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**CHAPTER 63****S.P. 594 - L.D. 1612****Resolve, To Ensure Proper Handling by the E-9-1-1 System of Calls Made by Persons Who Are Deaf, Hard-of-hearing or Speech-impaired**

**Sec. 1. Development of adequate systems and testing. Resolved:** That the Public Utilities Commission, Emergency Services Communication