

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.

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.

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.

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.

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

Bureau shall convene a stakeholders group, including representatives of dispatch centers that handle E-9-1-1 calls and the Maine Center on Deafness, to examine how to ensure that the E-9-1-1 system adequately handles calls made by persons who are deaf, hard-of-hearing or speech-impaired. The stakeholder group shall examine training needs and procedures, system standards and testing procedures as well as any other matters necessary to ensure that the E-9-1-1 system adequately handles calls made by persons who are deaf, hard-of-hearing or speech-impaired; and be it further

Sec. 2. Report. Resolved: That the Public Utilities Commission, Emergency Services Communication Bureau shall, no later than January 15, 2006, report to the Joint Standing Committee on Utilities and Energy the results of the stakeholder process established under section 1 and any recommendations for further actions. The report must include legislation necessary to implement recommendations of the bureau; and be it further

Sec. 3. Authority to report legislation. Resolved: That the Joint Standing Committee on Utilities and Energy may report out legislation relating to the subject matter of this resolve to the Second Regular Session of the 122nd Legislature.

See title page for effective date.

CHAPTER 64

H.P. 1017 - L.D. 1452

Resolve, Promoting the Consumption of Maine Farm Products at the State House

Sec. 1. State House events. Resolved: That the Legislative Council shall develop guidelines for incorporating more Maine-grown foods in food served by outside groups in the Hall of Flags or elsewhere in the State House; and be it further

Sec. 2. Cross Cafe; menu selection. Resolved: That the Department of Administrative and Financial Services shall work with the manager of the Cross Cafe to develop a plan for incorporating more Maine-grown foods in the cafe's menu selections. The possibility of a weekly Maine-made feature should be considered when developing the plan. The plan must provide mechanisms for Maine food producers to offer and distribute Maine-grown foods to the cafe; and be it further

Sec. 3. Department of Agriculture, Food and Rural Resources. Resolved: That the Department of Agriculture, Food and Rural Resources shall provide assistance to vendors or caterers serving

food in the State House and the manager of the Cross Cafe in helping them to identify and to access Maine-grown products.

See title page for effective date.

CHAPTER 65

H.P. 969 - L.D. 1392

Resolve, Regarding Legislative Review of Portions of Chapter 301: Standard Offer Service, 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 preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 301: Standard Offer Service, 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 not authorized. The commission may submit revised or new rules on the same subject matter for review in the Second Regular Session of the 122nd Legislature.

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

Effective May 31, 2005.
