

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 103**H.P. 882 - L.D. 1285****Resolve, Directing the Secretary of State To Develop a Titling System for Mobile Homes**

Sec. 1. Mobile home titling system. Resolved: That the Secretary of State shall develop a titling system for new mobile homes. In developing the system, the Secretary of State shall review the Final Report of the Study Group on the Title of Certain Personal Property, dated January 15, 2004. In conducting its review, the Secretary of State may invite the participation of interested stakeholders, including, but not limited to, the Manufactured Housing Board; the Manufactured Housing Association of Maine; the Maine Credit Union League; the Maine Bankers Association; and the Maine Association of Community Banks; and be it further

Sec. 2. Submission of proposal. Resolved: That the Department of the Secretary of State shall submit a proposal related to the system developed pursuant to section 1, along with any necessary implementing legislation, for presentation to the Second Regular Session of the 122nd Legislature. The department is authorized to introduce a bill related to its proposal to the Second Regular Session of the 122nd Legislature at the time of submission of its proposal.

See title page for effective date.

CHAPTER 104**H.P. 881 - L.D. 1284****Resolve, Regarding Increased Reimbursement for Physicians Caring for MaineCare Members**

Sec. 1. Development of standards. Resolved: That the Department of Health and Human Services shall convene a working group of interested parties to develop standards for the distribution of \$3,000,000 in funding appropriated to the MaineCare program for physician incentive payments for increased reimbursement for caring for MaineCare members. In developing the standards, the working group shall consider increased reimbursement based on the number of MaineCare members cared for by the physician, the need for increased access to specialty services and incentives to encourage physicians to increase the number of MaineCare members cared for in the physicians' practices. The department shall report to the Joint Standing Committee on Health and Human Services by January 15, 2006 on the standards

selected by the working group for distribution of the \$3,000,000 in increased physician incentive payment funding.

See title page for effective date.

CHAPTER 105**H.P. 987 - L.D. 1423****Resolve, Directing the Department of Professional and Financial Regulation and the Maine Community College System To Develop a Proposal To Certify Home Repair Tradespersons To Perform Limited Plumbing and Electrical Work**

Sec. 1. Development of proposal. Resolved: That the Department of Professional and Financial Regulation and the Maine Community College System, referred to in this resolve as "the department" and "the system," respectively, shall jointly develop a proposal to establish a certification program for home repair and renovation tradespersons to perform limited plumbing and electrical work. In developing this proposal, the department and the system shall:

A. Consider the establishment of a level of certification that requires less training and experience than is currently required under the laws governing plumbers in the Maine Revised Statutes, Title 32, chapter 49 and the laws governing electricians in Title 32, chapter 17; and

B. Consider whether a person who is certified under the new level of certification should be affiliated with or work under the direct supervision of a professional licensed under Title 32, chapter 17 or 49; and be it further

Sec. 2. Input of interested parties. Resolved: That, in developing the proposal, the department and the system shall solicit input from interested parties, including, but not limited to:

A. The Electricians' Examining Board, established by the Maine Revised Statutes, Title 5, section 12004-A, subsection 13;

B. The Plumbers' Examining Board, established by Title 5, section 12004-A, subsection 32; and

C. Consumers of home repair, plumbing and electrical services; and be it further

Sec. 3. Report. Resolved: That, no later than December 7, 2005, the department and the system

shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on Business, Research and Economic Development. Following receipt and review of the report, the Joint Standing Committee on Business, Research and Economic Development may report out a bill to the Second Regular Session of the 122nd Legislature.

See title page for effective date.

CHAPTER 106

H.P. 736 - L.D. 1083

Resolve, To Direct the State Board of Funeral Service To Consider the Need To Amend Its Rules with Regard to Licensed Funeral Establishments

Sec. 1. Public disclosure. Resolved: That, notwithstanding the Maine Revised Statutes, Title 32, section 1407, subsections 1 to 3, the Department of Professional and Financial Regulation, State Board of Funeral Service is directed to review issues relating to satellite funeral establishments and branches of full-service funeral establishments and whether the current rules adequately address public disclosure requirements regarding fees, public disclosure methods for pertinent consumer information and the manner in which goods and services are made available. The disclosures may include a description of full-service establishments and disclosures of affiliations with other entities used in the delivery of full services.

See title page for effective date.

CHAPTER 107

S.P. 416 - L.D. 1202

Resolve, To Study the Accessibility of Birth Certificates and Other Vital Records

Sec. 1. Access to vital records study. Resolved: That the Department of Health and Human Services, Office of Vital Records shall study the provisions of the freedom of access laws in the Maine Revised Statutes, Title 1, chapter 13 as those laws relate to access to vital records, such as birth, death and marriage certificates, especially in relation to Title 22, section 2706, which allows a state registrar or municipal clerk to restrict access to those vital records. The office shall determine what criteria are used by state registrars and municipal clerks in providing access to vital records. The office shall determine

whether a more uniform process is needed to balance the requirements of the freedom of access laws against the prevention of identity theft and the privacy rights of adoptees. If a better process is needed, the office shall determine what the better process is and report by January 4, 2006 to the Second Regular Session of the 122nd Legislature with the office's findings, recommendations and any necessary implementing legislation.

See title page for effective date.

CHAPTER 108

H.P. 614 - L.D. 863

Resolve, To Develop a Comprehensive Plan for Service Reforms and System Improvements Regarding Children's Services Provided by the Department of Health and Human Services

Sec. 1. Comprehensive plan. Resolved: That the Department of Health and Human Services shall develop a comprehensive plan for service reforms and system improvements regarding children's services provided by the department. The department shall develop the plan in collaboration with consumers, families, providers and advocates. The plan must address, at a minimum, children's services delivery structures, financing of these services, quality assurance and quality improvement strategies to be reflected as part of the management of the system and must include the following components.

1. Systems values and standards. There must be a system for children's services that is based on those values and standards already adopted by the State, including the values and standards reflecting the beliefs that:

- A. Prevention is an essential component in the health and well-being of children;
- B. The safety of children is paramount and must inform decisions made across all sectors of the service system;
- C. A flexible, individualized system of services and supports is essential so that all families and children are able to identify their strengths and needs;
- D. Families must be, to the extent possible, the drivers of their own plans of services and supports;