

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

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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2005

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;

E. The system must be outcome-based and must demand accountability, measurable standards and best or promising practices;

F. The needs of the community are best served by a system of care built on locally based input and solutions;

G. Appropriate assessments must be standardized across systems to ensure prompt referral and service planning;

H. Grievance procedures must be readily accessible and transparent;

I. There must be respect and inclusion for all families regardless of race, ethnicity, disability, sexual orientation or economic challenges; and

J. All planning for children should focus on the goal of preserving families, reunifying families and supporting and achieving stability.

2. Service reform and system improvement.

There must be a behavioral health services system that reflects, at a minimum, urgent care services, including crisis services, inpatient services, outpatient clinical and community-based services and care management. When children and families have complex multisystems needs, the service delivery must be based upon wraparound principles and practices that include:

A. A community collaborative that will serve as the entry point;

B. A comprehensive assessment;

C. A wraparound multidisciplinary planning team;

D. A family-driven service plan;

E. A comprehensive flexible and individualized service array; and

F. A community as the locus of service implementation.

3. System readiness. Service reform must be undertaken within the following parameters:

A. Significant changes in reimbursement methodology must include actuarial analysis when necessary;

B. Administrative burdens may not be increased, consistent with current department efforts in this area;

C. Data that meets federal and state reporting requirements must be aligned with any system re-

design information technology implemented to support reform;

D. The system must be measured by outcomes that are grounded in the values stated in this section and reflect the individual and family benefits of receiving services using consistent measurement tools; and

E. Required MaineCare waivers must be approved prior to changes being implemented pursuant to this resolve.

4. Implementation. The plan must provide that substantive changes in financing and service delivery of children's services will be phased in with an evaluation process for each phase; and be it further

Sec. 2. Report. Resolved: That the department shall submit its plan pursuant to section 1 to the Joint Standing Committee on Health and Human Services and the Children's Mental Health Oversight Committee by January 3, 2006.

See title page for effective date.

CHAPTER 109

H.P. 751 - L.D. 1098

Resolve, To Establish Energy Standards for Residential Rental Properties

Sec. 1. Examination of energy standards for residential rental properties. Resolved:

That the Public Utilities Commission and the Maine State Housing Authority shall coordinate discussions among interested stakeholders concerning the energy efficiency of and appropriate efficiency standards for rental properties. The stakeholders must include if possible representatives of owners of rental properties, representatives of renters and persons with appropriate knowledge of and interest in energy efficiency matters as they relate to rental properties; and be it further

Sec. 2. Development of disclosure requirements. Resolved:

That the Public Utilities Commission and the Maine State Housing Authority, in consultation with appropriate persons or agencies with relevant expertise, shall develop a disclosure form by which landlords inform prospective renters whether rental units meet mandatory or model state energy efficiency codes or standards and of the renters' ability under the Maine Revised Statutes, Title 14, chapter 710-C to discover the units' previous energy consumption and utility costs. In developing the form, the commission shall examine and consider existing disclosure form models such as the lead-based paint disclosure form; and be it further