

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

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

Sec. 3. Report. Resolved: That the Public Utilities Commission and the Maine State Housing Authority, no later than January 31, 2006, shall report to the Joint Standing Committee on Utilities and Energy the results of and any recommendations produced by the stakeholder discussions coordinated in accordance with section 1 and the form developed pursuant to section 2. The report must include suggested legislation to implement any recommendations of the commission resulting from its activities pursuant to this resolve; and be it further

Sec. 4. 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 110

H.P. 747 - L.D. 1094

Resolve, To Study Adoption of the Streamlined Sales and Use Tax Agreement

Sec. 1. Report and legislation regarding Streamlined Sales and Use Tax Agreement. Resolved: That the Department of Administrative and Financial Services, Bureau of Revenue Services shall prepare for submission to the Second Regular Session of the 122nd Legislature a report that:

1. Identifies any changes to the Maine Revised Statutes that are needed in order to conform the State's laws to the Streamlined Sales and Use Tax Agreement and the options available to provide conformity;
2. Identifies the impact of each option identified pursuant to subsection 1; and
3. Identifies and explains any fiscal and policy issues associated with conformity with the Streamlined Sales and Use Tax Agreement.

The bureau shall submit its report, along with legislation conforming the State's sales and use tax law with the Streamlined Sales and Use Tax Agreement in a manner that, as nearly as possible, maintains the State's current sales and use tax laws no later than January 15, 2006.

See title page for effective date.

CHAPTER 111

H.P. 1181 - L.D. 1672

Resolve, Regarding Legislative Review of Portions of Chapter 1: Procedures; Portions of Chapter 3: Maine Clean Election Act and Related Practices; and Campaign Reporting Forms for Candidates, Major Substantive Rules of the Commission on Governmental Ethics and Election Practices

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 rules have 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 rules; 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 1: Procedures; portions of Chapter 3: Maine Clean Election Act and Related Practices; and Campaign Reporting Forms for Candidates, provisionally adopted major substantive rules of the Commission on Governmental Ethics and Election Practices that have been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made.

In Chapter 1, section 7, with regard to the advance purchase of goods and services, the language must be changed to include radio and television contracts and contracts for design work among the goods and services that, if contracted or paid for prior to the primary election, must be received prior to the primary election to be considered primary election expenditures. The language in Chapter 1, section 7, with regard to the advance purchase of goods and services, must also be changed to remove the requirement that a report be filed when a preponderance of