

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**SECOND SPECIAL SESSION**  
**July 29, 2005**

**SECOND REGULAR SESSION**  
**January 4, 2006 to May 24, 2006**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 28, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 23, 2006**

**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**  
**2006**

**CHAPTER 160****H.P. 1409 - L.D. 2007****Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Assisted Living Programs, a Major Substantive Rule of the Department of Health and Human Services**

**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 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Assisted Living Programs, a provisionally adopted major substantive rule of the Department of Health and Human Services that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective March 30, 2006.

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**CHAPTER 161****S.P. 142 - L.D. 444****Resolve, Regarding Effective Administration of the MaineCare Program**

**Sec. 1. Report. Resolved:** That the Department of Health and Human Services shall use its claims data, encounter data and decision support system to evaluate the extent to which service limits under the MaineCare Basic program, established in the Maine Revised Statutes, Title 22, section 3174-FF, result in the receipt, by members who have received services to the limits set by MaineCare Basic, of additional services from alternative providers or in alternative settings because of the limitations. The department shall confer with the MaineCare Advisory Committee in developing the data queries for the research and shall provide the committee with an opportunity to comment on a draft report prior to its final submission. The department shall report its findings to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2007 along with its recommendations for ensuring that the MaineCare Basic program provides medically necessary services in as cost-effective a manner as possible.

See title page for effective date.

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**CHAPTER 162****H.P. 1476 - L.D. 2088****Resolve, Concerning the Collection of the Statewide E-9-1-1 Surcharge from Prepaid Wireless Telephone Service**

**Sec. 1. Prepaid wireless stakeholder group. Resolved:** That the Public Utilities Commission shall form and participate in a stakeholder group to define an appropriate amount of and means of collecting and remitting an E-9-1-1 surcharge under the Maine Revised Statutes, Title 25, chapter 352 on prepaid wireless telephone service. The stakeholder group must include a representative of the Emergency Services Communication Bureau within the commission and a representative of the Office of the Public Advocate. The commission shall also invite participation by representatives of providers of prepaid wireless telephone service that do not also provide post-paid wireless telephone service, providers of post-paid wireless telephone service that also offer prepaid wireless telephone service, national retail store chains that sell prepaid wireless telephone service offered by service providers, local businesses

that sell prepaid wireless telephone service offered by service providers and any other entities the commission believes should be included to ensure adequate and appropriate stakeholder representation; and be it further

**Sec. 2. Issues examined. Resolved:** That the stakeholder group shall consider ways of calculating the E-9-1-1 surcharge to achieve reasonable equivalency with the surcharge imposed on other telecommunications services and means of collecting the surcharge that are competitively neutral, but the stakeholder group may consider and examine any means of collecting and remitting the surcharge that it determines appropriate.

The stakeholder group shall consider costs, flexibility, efficiencies and enforcement of the means of collecting and remitting the surcharge from the perspective of the commission, service providers, retailers and end users; and be it further

**Sec. 3. Report; authority to report out legislation. Resolved:** That the Public Utilities Commission shall report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 1, 2007 the results of and recommendations produced by the stakeholder group. The report must include suggested legislation to implement any recommendations of the stakeholder group. If the stakeholder group fails to reach agreement or if for any other reason the commission determines it appropriate to provide its own separate recommendations on the subject matter of this resolve, the commission may include its own analysis and recommendations in the report, including any suggested legislation to implement its recommendations.

The joint standing committee of the Legislature having jurisdiction over utilities and energy matters may report out legislation relating to the subject matter of this resolve to the First Regular Session of the 123rd Legislature.

See title page for effective date.

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## CHAPTER 163

H.P. 1445 - L.D. 2051

### Resolve, To Name the New Bridge in Augusta Spanning the Kennebec River "Cushnoc Crossing"

**Sec. 1. Cushnoc Crossing. Resolved:** That the new bridge in Augusta connecting Interstate 95 to Route 3 and crossing the Kennebec River north of the Father Curran Bridge be named "Cushnoc Crossing"; and be it further

**Sec. 2. Signs erected. Resolved:** That the Department of Transportation shall erect signs in both directions of access to the bridge that indicate the name under section 1.

See title page for effective date.

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## CHAPTER 164

H.P. 1396 - L.D. 1994

### Resolve, To Preserve Patient Records

**Sec. 1. Rules. Resolved:** That no later than January 1, 2007, the Department of Health and Human Services shall amend the rules regarding licensing for general and specialty hospitals and ambulatory surgical facilities to require that hospitals and facilities that record images of a patient using x rays, magnetic resonance imaging or computerized tomography provide notice of intent to destroy or purge those images. The rules must provide that the hospital or facility may provide the required notice through publication in a newspaper that has broad general circulation in the region served by the hospital or facility or directly to the patient prior to or after taking the image. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

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## CHAPTER 165

H.P. 1389 - L.D. 1982

### Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting System for Health Care Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization

**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