

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.

Penmor Lithographers
Lewiston, Maine
2006

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 authorized only if:

1. Preliminary investigation. In section 7(B)(1) a new provision is added to provide the following:

A. That the commission staff shall engage in a preliminary investigation regarding any potential violation of the Dig Safe Law or rules;

B. That the preliminary investigation must include a good faith effort to contact the potential violator and afford that person an opportunity to discuss the matter prior to the issuance of a notice of probable violation; and

C. That nothing in the new provision precludes the issuance of a notice of probable violation if a person cannot be located with reasonable effort or fails to respond to a communication from the staff;

2. Informal review. In section 7(B)(2)(a) it is clarified that the informal review consists of an informal conference or an analysis of the respondent's written reply;

3. Recommended decision. In section 7(B)(3)(a) it is provided that, following the informal conference or the waiver of the informal conference, the commission staff member shall issue in writing a recommended decision indicating whether or not the respondent has violated the Dig Safe Law or the rules and the basis for that conclusion, and the recommended disposition; and

4. Technical changes. Any technical changes to the rule necessary to accomplish the changes described in this resolve are made.

The commission is not required to hold hearings or undertake further proceedings prior to final adoption of the rule in accordance with this section.

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

Effective April 12, 2006.

CHAPTER 185

S.P. 701 - L.D. 1784

Resolve, To Clarify Contingency Allowance under the Certificate of Need Law

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, capital projects that are already under construction will be affected by this legislation; 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. Maximum expenditure and contingency allowance. Resolved: That the Department of Health and Human Services shall revise or adopt rules as needed to provide for a contingency allowance for the project budget of 5% to 8% depending on the type of project, as defined in the rules, in issuing a certificate of need under the Maine Revised Statutes, Title 22, chapter 103-A. A single contingency allowance must be provided for in all projects and the allowance may not be subject to an additional cap other than the applicable percentage. The department shall repeal the current cap of \$1,000,000; and be it further

Sec. 2. Rules. Resolved: That rules adopted pursuant to section 1 are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

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

Effective April 13, 2006.

CHAPTER 186

H.P. 1208 - L.D. 1701

Resolve, To Ensure Coordination and Effectiveness in the Provision of Services under the MaineCare Noncategorical Waiver

Sec. 1. Development of processes. Resolved: That the Department of Health and Human Services shall ensure the coordination and effective provision of MaineCare services provided to noncategorical members eligible for benefits under the Maine Revised Statutes, Title 22, section 3174-G, subsection 1, paragraph F, referred to in this section as "noncategorical members," by:

1. Implementing a process for tracking the number of mental health treatment sessions provided to