

# 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**

3. Persons engaged in the installation of flooring materials; and

4. Attorneys who practice in labor law, including the areas of unemployment compensation and workers' compensation law; and be it further

**Sec. 4. Funding. Resolved:** That the Department of Labor shall seek outside funds from the Federal Government, nonprofit foundations and other appropriate public or private sources to fund the costs of the study. Contributions to support the study may not be accepted from any party having a pecuniary or other vested interest in the outcome of the matters being studied. To the extent that outside contributions are inadequate to pay for all costs of the study, the department shall make every effort to complete the study and report within existing budgeted resources.

See title page for effective date.

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## CHAPTER 192

S.P. 760 - L.D. 1973

### **Resolve, To Improve Quality and Access to Mental Health Care Through the Development of a Joint Strategic Plan**

**Sec. 1. Strategic plan. Resolved:** That the Department of Health and Human Services, referred to in this resolve as "the department," shall collaborate with the Dorothea Dix Psychiatric Center and the Riverview Psychiatric Center and seek input from Acadia Hospital and Spring Harbor Hospital and community hospitals that have psychiatric beds, consumers of mental health services and community mental health service providers to develop a comprehensive strategic plan for the provision of hospital-based mental health services. The plan must create a coordinated safety net of programs and services that will serve Maine's citizens in the future.

1. The plan development must consist of the following 3 steps:

A. Step one, in which the 4 mental health hospitals shall work together with the department to compile a first draft of the strategic plan;

B. Step 2, in which the community hospitals that have psychiatric beds shall work together with the 4 mental health hospitals and the department to compile a 2nd draft of the strategic plan. This plan must be presented to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2007; and

C. Step 3, in which the department shall invite the participation of consumers of mental health services and community mental health services providers. The department shall consider the input of the consumers and providers provided in this step.

All participants from steps one to 3 shall then work together to compile a final draft of the strategic plan, which must then be presented to the joint standing committee of the Legislature having jurisdiction over health and human services matters by March 15, 2007.

2. The participants in the development of the draft strategic plans may request the assistance of the Office of Fiscal and Program Review with regard to data and the fiscal impact of program design and the provision of services.

See title page for effective date.

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## CHAPTER 193

S.P. 827 - L.D. 2095

### **Resolve, Authorizing the Department of Conservation, Bureau of Parks and Lands To Convey Certain Lands**

**Preamble.** The Constitution of Maine, Article IX, Section 23 requires that real estate held by the State for conservation or recreation purposes may not be reduced or its uses substantially altered except on the vote of 2/3 of all members elected to each House.

**Whereas,** certain real estate authorized for conveyance by this resolve is under the designations described in the Maine Revised Statutes, Title 12, section 598-A; and

**Whereas,** the Director of the Bureau of Parks and Lands within the Department of Conservation may sell or exchange lands with the approval of the Legislature in accordance with the Maine Revised Statutes, Title 12, sections 1837 and 1851, now, therefore, be it

**Sec. 1. Director of Bureau of Parks and Lands authorized, but not directed, to convey certain real estate in Winterville Plantation, County of Aroostook. Resolved:** That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without covenant convey for appraised fair market value, and on such other terms and conditions as the director may direct, to Richard Vaillancourt and Norma Vaillancourt, of Eagle Lake, Maine, with a mailing address of Post Office Box 6, Eagle Lake, Maine 04739, a certain lot of land in Winterville Plantation, County of Aroostook, State of Maine,

being approximately 75 feet by 75 feet (5,625 square feet) and being a portion of the Winterville Plantation public lot. Said parcel is currently occupied by said Richard Vaillancourt and Norma Vaillancourt, as lessees, pursuant to a lease dated May 26, 2004, with the Department of Conservation, Bureau of Parks and Lands as lessor; and be it further

**Sec. 2. Director of Bureau of Parks and Lands authorized, but not directed, to convey certain land in Smalls Falls, Township E, County of Franklin. Resolved:** That the Director of the Bureau of Parks and Lands within the Department of Conservation may by financial order, on such terms and conditions as the director may direct, and on such terms as the Department of Conservation and the Department of Transportation consider appropriate and reasonable, transfer management responsibility of the following land to the Department of Transportation for the purpose of relocating a portion of State Route 4. The relocation must include construction, maintenance and repair of the highway, along with drainage, slope and any other rights necessary for the maintenance and repair thereof. The land is more particularly described as follows:

A portion of land, situated in Township E, County of Franklin, State of Maine, containing a total of 4.69 acres, as shown on a plan entitled "State of Maine Department of Transportation Right of Way Map, State Highway '32' (Route 4) Madrid-Township E, P.I.N. 0010019.00," Sheets 1, 2, 3, 4, 5 and 6, of 30 sheets, dated September 2005, D.O.T. File No. 4-233, to be recorded in the Franklin County Registry of Deeds, and on file at the Department of Transportation, 16 State House Station, Augusta, Maine. For reference see deed from Peter A. Tyler to the State of Maine, Department of Conservation, Bureau of Parks and Lands, dated March 9, 1998, and recorded in the Franklin County Registry of Deeds in Book 1735, Page 052.

; and be it further

**Sec. 3. Director of Bureau of Parks and Lands authorized, but not directed, to convey certain land in Town of Pownal, County of Cumberland. Resolved:** That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without covenant convey, to the Town of Pownal, a certain lot or parcel of land, situated on Route 9 adjacent to the existing town hall in the Town of Pownal, County of Cumberland, State of Maine, approximately 5.0 acres, and being a portion of Bradbury Mountain State Park. Said conveyance must be on such terms and conditions as the director may direct, including, but not limited to, the requirement that the use of the land be

limited to public purposes, and in the event the land is no longer used for public purposes, title shall revert to the State of Maine, and further subject to the rights of the public to use an existing trail located on the premises. Said parcel from the State of Maine to the Town of Pownal must be surveyed. For reference see deed from Carl I. Knight, personal representative of the estate of Wilma Florence Knight, to the State of Maine, dated October 2, 1990, and recorded in the Cumberland County Registry of Deeds, October 4, 1990, in Book 9432, Page 290; and be it further

**Sec. 4. Director of Bureau of Parks and Lands authorized, but not directed, to convey certain land in Town of Newport, County of Penobscot. Resolved:** That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without covenant convey for fair market value, and on such other terms and conditions as the director may direct, to Todd Lornell and Robin Lornell, both of 31 Douglas Road, Sutton, Massachusetts 01590, husband and wife, a certain lot or parcel of land, situated in the Town of Newport, County of Penobscot, State of Maine, being approximately 50 feet wide and 2,000 feet in length of the Four Season Adventure Trail, extending from Main Street southerly to land to be conveyed to the State. This conveyance is in exchange for an approximately 2.18-acre lot, to be used as a state-owned trail parking lot, and a recreational trail easement approximately 16 feet wide and 1,000 feet in length across a section of the Lornell property. The said recreational trail easement is to extend in a westerly direction from the southeasterly corner of the Lornell property to the southwesterly corner of the Lornell property, running the length of the Lornell property and parallel with property of the Maine Central Railroad Company. For reference see deed from the Maine Central Railroad Company to the State of Maine dated October 25, 2004, and recorded in the Penobscot County Registry of Deeds, October 27, 2004, in Book 9601, Page 239; see also deed from Eugene A. Ferry to Todd Lornell, dated December 29, 2003, and recorded December 31, 2003, in the Penobscot County Registry of Deeds in Book 9148, Page 133; and see also deed from Eugene A. Ferry to Todd Lornell and Robin Lornell, dated September 14, 2005 and recorded in said Registry of Deeds, September 16, 2005, in Book 10093, Page 222; and be it further

**Sec. 5. Director of Bureau of Parks and Lands authorized, but not directed, to convey certain land in Town of Mars Hill, County of Aroostook. Resolved:** That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without covenant convey for fair market value, and on such other terms and conditions as the director may direct, to Naturally Potatoes a Basic American Foods Division, LLC, a

Delaware Limited Liability Company, 2999 Oak Road, Walnut Creek, California, a certain lot or parcel of land, situated in the Town of Mars Hill, County of Aroostook, State of Maine, being approximately 66 feet wide and 2,190 feet in length extending from Station 1626+37 to Station 1648+27 on the Houlton to Presque Isle Recreational Trail and an easement approximately 10 feet in width and 1,000 feet in length extending from Station 1720+67 to Station 1730+67 on said trail for the purpose of installing and maintaining an irrigation pipe within the state-owned property along the side of the traveled trail surface. This conveyance is in exchange for a certain lot or parcel of land approximately 100 feet in width and 2,350 feet in length, to be conveyed by quitclaim deed with covenant, located easterly of the Houlton to Presque Isle Recreational Trail, from approximately Station 1625+37 to Station 1649+27, said parcel of land to be surveyed, and for a recreational trail easement being approximately 100 feet in width and 700 feet in length in the area of Station 1680+02 easterly to the thread of Presque Isle Stream, for the purposes of providing access to the existing abutment and bridge that cross the Presque Isle Stream, said trail easement to be surveyed. For reference see deed from UPC Wind Management, LLC to the State of Maine dated January 31, 2005, and recorded February 1, 2005 in the Aroostook County Registry of Deeds, Southern Division, in Book 4081, Page 198; and see trustee's deed from James E. Howard, trustee for the estate of Bangor & Aroostook Railroad Company to the State of Maine, dated June 24, 2005, and recorded in said Registry of Deeds, June 29, 2005, in Book 4146, Page 35; and see also deed from Fresh Way, Inc. to Naturally Potatoes a Basic American Foods Division, LLC, dated September 23, 2005, and recorded in said Registry of Deeds, September 23, 2005, in Book 4187, Page 63; and be it further

**Sec. 6. Director of Bureau of Parks and Lands authorized, but not directed, to convey certain land in Town of Dexter, County of Penobscot. Resolved:** That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without covenant convey, for fair market value, and on such other terms and conditions as the director may direct, including maintenance and safety obligations and responsibilities, a 22-foot wide trail crossing easement to benefit the residential properties of Henri Vansluys and Lili Vansluys, Ron Snyder and Jane Snyder, Paul Bazinet and Mary Bazinet, Norris Fillmore and Diana Fillmore and Arnold Miller, all in the Town of Dexter, County of Penobscot, State of Maine. Said trail crossing easement is further bounded and described as follows:

An easement for residential purposes only 22 feet in width situated at the northerly end of Moose Lane in the Town of Dexter, County of Penobscot, State of Maine, more

particularly described as follows: Beginning at an iron rod set on the northwesterly sideline of lands now or formerly of the State of Maine as described in Volume 9114, Page 194, said iron rod being located N 37° 07' 52" E, a tie distance of 22.24 feet from an iron rod found at the southeasterly corner of lands now or formerly of H. Ronald and Sara-Jane Snyder as described in Volume 7903, Page 313, said iron rod also being located S 38° 38' 06" W, a tie distance of 77.75 feet from an iron rod found at the northeasterly corner of said lands of Snyder; Thence in a northeasterly direction, by and along the northwesterly sideline of said lands of the State of Maine along a curve to the right with a radius of 1,909.86 feet, an arc distance of 22.07 feet to an iron rod set, said curve having a chord bearing N 37° 47' 44" E, a chord distance of 22.07 feet; Thence S 47° 34' 29" E, through lands of the grantor, a distance of 66.19 feet to an iron rod set on the southeasterly sideline of said lands of the State of Maine; Thence in a southwesterly direction, by and along the southeasterly sideline of said lands of the State of Maine, along a curve to the left with a radius of 1,843.86 feet, an arc distance of 22.08 feet to an iron rod set, said curve having a chord bearing S 37° 37' 46" W, a chord distance of 22.08 feet; Thence N 47° 34' 29" W, through lands of the grantor, a distance of 66.26 feet to the point of beginning; Containing 1,457 square feet, 0.033 acres. Bearings referenced herein are oriented to Magnetic North in the year of 1989. Documents referenced herein are recorded in the Penobscot County Registry of Deeds unless otherwise noted. All iron rods set referenced herein are capped 3/4" rebar stamped "Plisga & Day P.L.S. 2361."

For reference see deed from Maine Central Railroad Company to the State of Maine, Department of Conservation, Bureau of Parks and Lands, dated December 5, 2003, and recorded in the Penobscot County Registry of Deeds in Book 9114, Page 194; and be it further

**Sec. 7. Director of Bureau of Parks and Lands authorized, but not directed, to convey certain land in Town of Brownville, County of Piscataquis. Resolved:** That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without covenant convey for appraised fair market value, and on such other terms and conditions as the director may direct, including maintenance and safety obligations and responsibilities, to Barton Hughes and Cory Campbell of Sangerville, Maine, and having a mailing address of

Post Office Box 162, Sangerville, Maine 04479 a right-of-way easement, with utilities, located in the Town of Brownville, County of Piscataquis, State of Maine, being approximately 15 feet wide and 1,620 feet in length extending from Front Street, along the Katahdin Ironworks Recreational Trail to land of said Barton Hughes and Cory Campbell. For reference see deed from James E. Howard, trustee for the estate of the Bangor & Aroostook Railroad Company to the State of Maine, dated April 30, 2004, and recorded in the Piscataquis County Registry of Deeds in Book 1553, Page 124.

See title page for effective date.

**CHAPTER 194**

**S.P. 735 - L.D. 1934**

**Resolve, To Improve Retention,  
Quality and Benefits for Direct Care  
Health Workers**

**Sec. 1. Long-term care direct care workers; study. Resolved:** That the Department of Health and Human Services, in conjunction with the Department of Labor, shall conduct a study of direct care workers in state-funded and MaineCare-funded programs to:

1. Examine the wage, benefit and reimbursement structures for direct care workers in all long-term care settings, including, but not limited to, nursing facilities, residential care facilities, mental retardation waiver homes and home care;
2. Determine the cost of a wage floor of \$8.50 per hour and the cost of a wage floor of \$10 per hour for entry-level direct care workers, including certified nursing assistants, personal support specialists, home health aides, homemakers and direct support professionals. The study must include determination of the cost of proportional increases in current wage scales for more experienced workers and employer-related costs such as FICA;
3. Develop options to extend MaineCare or other health insurance coverage for direct care workers;
4. Evaluate the need for a direct care worker registry, including desired objectives of such a registry and a cost estimate;
5. Survey persons formerly employed as direct care workers in long-term care settings to determine whether they would return to work as direct care workers if the pay were increased to \$10 per hour; and
6. Survey organizations that provide services to senior citizens through paid workers and through

volunteers to determine the level of interest among older persons in becoming direct care workers, either full-time or part-time and within their physical capabilities, to assist persons who are elderly or persons with disabilities.

The department shall invite participation of, and consultation with, interested parties involved in long-term care or home health care, including direct support and personal assistance workers from all settings during the course of the study. The departments shall conduct the study within existing financial resources. The department shall submit its report, including any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than January 1, 2007.

See title page for effective date.

**CHAPTER 195**

**H.P. 1459 - L.D. 2064**

**Resolve, Regarding Legislative  
Review of Portions of Chapter 33:  
Home Day Care Provider Rules, 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 33: Home Day Care Provider Rules, a provisionally adopted major substantive rule of the Department of Health and