

# 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**

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

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 April 19, 2006.

## CHAPTER 196

H.P. 1458 - L.D. 2062

### **Resolve, Regarding Legislative Review of Portions of Chapter III, Section 50: Intermediate Care Facilities for the Mentally Retarded, 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 III, Section 50: Intermediate Care Facilities for the Mentally Retarded, 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 April 19, 2006.

## CHAPTER 197

H.P. 1415 - L.D. 2015

### **Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands**

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

**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 land. Resolved:** That the Director of the Bureau of Parks and Lands within the Department of Conservation is authorized, but not directed, to convey for appraised fair market value all of the State's interest in and to certain lots or parcels of land located in the townships and counties listed below and on such other terms and conditions as the director may direct:

1. County of Aroostook, State of Maine: A certain lot or parcel of land, being the Glenwood West Public Lot located in the Township of Glenwood Plantation; a certain lot or parcel of land, being the Glenwood Center Public Lot located in the Township of Glenwood Plantation; a certain lot or parcel of land, being the Glenwood East Public Lot located in the