

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 20, 2007

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2007

"Liable party," "potentially liable party" or "3rd party" also includes the trustee or trustees of any mortuary trust established by the recipient or on the recipient's behalf in which there is money remaining after the actual costs of the funeral and burial have been paid in accordance with the terms of the trust and in which there is no provision that the excess be paid to the decedent's estate. "Liable party," "potentially liable party" or "3rd party" may also include the recipient of benefits under the MaineCare program.

Sec. 10. 22 MRSA §18, sub-§1, as enacted by PL 1997, c. 795, §5, is amended to read:

1. Program. The Private Health Insurance Premium Program is operated by the ~~Bureau~~ Office of Medical MaineCare Services within the department and implements the provisions of 42 United States Code, Section 1396a(a)(25)(G) and 1396e. The office shall seek to maximize enrollment in the program by establishing procedures to identify families or individuals with access to other public or private insurance coverage and educating members and employers about the purpose and benefits of the program.

Sec. 11. 24-A MRSA §2847-M is enacted to read:

§2847-M. Enrollment for individuals or families establishing eligibility for MaineCare

When an individual or family is eligible for MaineCare and is also eligible for health insurance coverage provided by an employer, the insurer must permit the individual or family to enroll in the health insurance coverage without regard to any enrollment season restrictions.

Sec. 12. 24-A MRSA §4253 is enacted to read:

§4253. Enrollment for individuals or families establishing eligibility for MaineCare

When an individual or family is eligible for MaineCare and is also eligible for health maintenance organization coverage provided by an employer through a health maintenance organization, the health maintenance organization must permit the individual or family to enroll in the health maintenance organization coverage without regard to any enrollment season restrictions.

Sec. 13. Notification. The Commissioner of Health and Human Services shall notify the joint standing committee of the Legislature having jurisdiction over health and human services matters and the Revisor of Statutes when the final federal rules to implement the premium assistance provisions of the federal Deficit Reduction Act of 2005 have been adopted.

Sec. 14. Retroactivity. Those sections of this Act that amend or repeal portions of the Maine Re-

vised Statutes, Title 22, section 14 apply retroactively to the extent authorized by state or federal law.

See title page for effective date.

CHAPTER 449

S.P. 574 - L.D. 1630

**An Act To Address an Inequity
in the Judicial Retirement
System**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 4 MRSA §1201, sub-§9, as amended by PL 1983, c. 863, Pt. B, §§8 and 45, is further amended to read:

9. Earnable compensation. "Earnable compensation" means the annual salary as a judge. Any money paid by the State under an annuity contract for the future benefit of a judge ~~shall~~ must be considered part of the judge's earnable compensation. The earnable compensation of a member retired with a disability retirement allowance under section 1353 ~~shall~~ must be assumed, for the purposes of determining benefits under this chapter, to be continued after ~~his~~ the member's date of termination of service at the same rate as received immediately prior thereto, subject to the same percentage adjustments, if any, that may apply to the amount of retirement allowance of the beneficiary under section 1358. Beginning July 1, 2003, earnable compensation for a sitting judge as of June 30, 2005 includes the salary that would have been paid for a judge in the given year if the cost-of-living adjustments in fiscal year 2003-04 and fiscal year 2004-05 had been funded.

Sec. 2. 4 MRSA §1304, as amended by PL 1993, c. 410, Pt. L, §4, is further amended to read:

§1304. Employees' contributions

On and after July 1, 1993, each member in service shall contribute at a rate of 7.65% of earnable compensation, except that judges whose earnable compensation includes imputed cost-of-living adjustments under section 1201, subsection 9, shall contribute based on the compensation actually paid.

Sec. 3. Application. This Act applies to judges who retire on or after the effective date of this Act.

Sec. 4. Personal Services funds carried forward. Notwithstanding any other provision of law, up to \$75,000 in unencumbered balance of Personal Services in the Judicial Department's General Fund account in fiscal year 2006-07 does not lapse and may be carried forward into fiscal year 2007-08.

Sec. 5. Appropriations and allocations. The following appropriations and allocations are made.

JUDICIAL DEPARTMENT

Courts - Supreme, Superior, District and Administrative 0063

Initiative: Appropriates funds for the increase in the employers' contribution due to the provision that allows judges to include as earnable compensation imputed salary based upon cost-of-living adjustments that were not funded in fiscal year 2003-04 and fiscal year 2004-05.

GENERAL FUND	2007-08	2008-09
Personal Services	\$188,147	\$195,672
GENERAL FUND TOTAL	\$188,147	\$195,672

Courts - Supreme, Superior, District and Administrative 0063

Initiative: Deappropriates, on a one-time basis, funds no longer needed in the 2008-09 biennium.

GENERAL FUND	2007-08	2008-09
Personal Services	(\$188,147)	(\$195,672)
GENERAL FUND TOTAL	(\$188,147)	(\$195,672)

See title page for effective date.

CHAPTER 450

S.P. 666 - L.D. 1850

An Act To Improve Efficiency and Effectiveness of Early Intervention and Early Childhood Special Education for Children from Birth to Eight Years of Age through Improved Oversight, Accountability and Interagency Coordination

Be it enacted by the People of the State of Maine as follows:

PART A

Sec. A-1. 20-A MRSA §7209, sub-§4, ¶B, as enacted by PL 2005, c. 662, Pt. A, §30, is amended to read:

B. To develop statewide policies and procedures for carrying out federal and state laws and rules

relating to child find, early intervention services and the provision of a free, appropriate public education to children from birth to under 6 years of age; ~~and~~

Sec. A-2. 20-A MRSA §7209, sub-§4, ¶C, as enacted by PL 2005, c. 662, Pt. A, §30, is amended to read:

C. To provide training in federal and state laws, regulations, rules and policies relating to child find as provided in 20 United States Code, Section 1412 (a) (3), early intervention services and the provision of a free, appropriate public education to children from birth to under 6 years of age and to conduct regular file reviews to determine compliance with federal and state laws, regulations, rules and policies and conduct training and provide technical assistance where deficiencies are found; ~~and~~

Sec. A-3. 20-A MRSA §7209, sub-§4, ¶D is enacted to read:

D. To report annually to the council and to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs on the performance of the Child Development Services System. This report may include information on any expansions of the connections of child find and service delivery with school administrative units, with the Department of Health and Human Services and with medical providers. This report may include information on any expansion of the connection of child find with nurse midwives. This report may include information on the number of children screened in the programs in Title 22, sections 1532, 8824 and 8943, the number of such children referred to the Child Development Services System who were found eligible for early intervention and the number of such children referred to the Child Development Services System who were found ineligible for early intervention. This report may also include information on annual performance over at least a 5-year period of each individual regional site and of the entire Child Development Services System; may benchmark performance against state and national standards; may include information about performance in child find, service delivery, service coordination, eligibility and exit data for children leaving the Child Development Services System; and may describe strategies that the Child Development Services System has undertaken to maximize the usage of a broad base of community resources including private providers, public schools, resources from other agencies and other available resources serving children and families. The report must be publicly posted on the website of the department.