

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

tion relating to the reporting of oil spills and discharges. The guidance must include standard terms of a memorandum of agreement and eligibility criteria and the approval process used by the department in developing a memorandum of agreement; and be it further

Sec. 2. Department of Environmental Protection outreach. Resolved: That the Department of Environmental Protection shall undertake education and outreach to small aboveground oil and storage and handling facilities and timber harvesting operations, particularly in Aroostook County, concerning the reporting requirements relating to oil discharges.

See title page for effective date.

CHAPTER 100

H.P. 773 - L.D. 1055

Resolve, To Establish a Working Group To Study the Prevalence and Cost of Hearing Loss and the Use of Hearing Aids and Other Devices in Maine's Elderly Population

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

Whereas, a growing number of elderly individuals who have a significant hearing loss are unable to afford hearing aids; and

Whereas, current programs provide inadequate assistance to prevent a growing number of elderly individuals from suffering significant hearing loss without remedy; 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. Working group established. Resolved: That the Working Group to Study the Prevalence and Cost of Hearing Loss and the Use of Hearing Aids and Other Devices in Maine's Elderly Population, referred to in this resolve as "the working group," is established; and be it further

Sec. 2. Working group membership. Resolved: That the working group consists of the director of the Division of Deafness within the Department of Labor, Bureau of Rehabilitation Services, who shall be the chair of the working group; the director of

the Office of Elder Services within the Department of Health and Human Services or the director's designee; and the following 7 members appointed by the Governor:

1. One member from the Maine Academy of Audiology;
2. One member from the Area Agencies on Aging;
3. One adult consumer with a hearing loss who uses a hearing aid;
4. A representative from the Department of Labor, Bureau of Rehabilitation Services, Division of Deafness Advisory Council's ad hoc committee on the late-deafened and hard-of-hearing;
5. One adult consumer with a hearing loss, representing the deaf community;
6. One member from a consumer services agency that serves the mental health needs of elderly citizens; and
7. One member from the Maine Center on Deafness; and be it further

Sec. 3. Appointments. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. Within 15 days after appointment of all members, the chair shall call and convene the first meeting of the working group, which must be no later than 30 days after the appointment of all members is complete; and be it further

Sec. 4. Duties. Resolved: That the working group shall study the prevalence and cost of hearing loss in Maine's elderly population.

In examining these issues, the working group shall specifically examine:

1. The number of elderly individuals who have a hearing loss significant enough to affect their daily functioning, community participation or finances;
2. The impact of untreated hearing loss on elderly individuals who need hearing aids but cannot afford them;
3. The operation and effectiveness of existing programs available to assist elderly individuals with hearing aids;
4. Opportunities for coordination among existing state programs, or with the private sector, to maximize the effects of available resources;
5. Approaches, opportunities, techniques and programs used in other states to address the need for hearing aids by elderly individuals;
6. Options on potential approaches, techniques and programs in Maine for providing hearing aids to

elderly individuals, including different methods of program administration and delivery so as to maximize program availability statewide and minimize overhead costs;

7. The projected cost of developing and delivering a pilot program to provide hearing aids to elderly individuals;

8. The projected cost of taking no action to develop any program to provide hearing aids to elderly individuals; and

9. The feasibility of funding from the state universal service fund a hearing assistance program, to include grants to eligible low-income persons for the purchase of hearing aids and subsidies for captioned telephone service; and be it further

Sec. 5. Staff assistance. Resolved: That the Department of Labor and the Department of Health and Human Services shall provide, within existing budgeted resources, necessary staffing services to the working group; and be it further

Sec. 6. Report. Resolved: That, no later than December 7, 2007, the working group shall submit a report to the Joint Standing Committee on Labor and the Joint Standing Committee on Health and Human Services that includes its findings and recommendations, including suggested legislation for the Second Regular Session of the 123rd Legislature. The working group is not authorized to introduce legislation. The Joint Standing Committee on Labor and the Joint Standing Committee on Health and Human Services are authorized to submit legislation pertaining to the report.

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

Effective June 20, 2007.

CHAPTER 101

S.P. 515 - L.D. 1467

**Resolve, To Create Improved
Employment Opportunities for
People with Disabilities**

PART A

Sec. A-1. Interdepartmental committee. Resolved: That the Department of Health and Human Services and the Department of Labor shall establish an interdepartmental committee, referred to in this Part as "the committee," to develop a statewide transition plan to facilitate the implementation of a waiver allowing the expansion of supported employment as an alternative for people with developmental

disabilities who are currently receiving freestanding day habilitation through MaineCare.

1. The plan developed by the committee must include:

A. An information campaign about employment and the changing practices and expectations for employment;

B. Instruction on how to pursue and maintain gainful employment in integrated settings in the community and how to seek employment supports, including but not limited to benefits counseling;

C. Training for provider agencies on ways to build capacity to support individuals with developmental disabilities in competitive and gainful employment, including self-employment; and

D. Training for the Department of Health and Human Services staff and the Department of Labor staff to implement the transition.

2. The committee shall submit its plan to the Joint Standing Committee on Labor no later than January 15, 2008; and be it further

Sec. A-2. Stakeholder committee. Resolved: That the Department of Health and Human Services and the Department of Labor shall establish a stakeholder group, referred to in this Part as "the group," to design and implement a system of community services using existing resources that supports the attainment by persons with developmental disabilities of gainful employment in integrated settings in the community.

1. The group must include representatives of employers, service providers, consumers, consumer advocates, educators, community advocacy organizations and the University of Maine's Center for Community Inclusion and Disability Studies and representatives of the Department of Health and Human Services, the Department of Labor and the Department of Education.

2. The system designed by the group must include:

A. A funding formula that provides incentives to providers to facilitate the attainment of employment by persons with developmental disabilities;

B. A plan that invests in professional development and capacity building for provider agencies, including state agencies and case managers; and

C. A tracking system that facilitates an annual report by the Department of Labor and the Department of Health and Human Services to the joint standing committee of the Legislature having jurisdiction over labor matters regarding the number of individuals employed, the wages of individuals