

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 2, 2008 to March 31, 2008**

**FIRST SPECIAL SESSION**  
**April 1, 2008 to April 18, 2008**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 30, 2008**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 18, 2008**

**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**  
**2008**

shall work together to convene a broadly representative stakeholder group to study and make recommendations for establishing and financing a quality improvement and technology fund that would initially contribute to HealthInfoNet's establishment and sustainability and make it possible for health care providers with limited financial resources to obtain electronic medical record systems.

1. The work of the stakeholder group must include: identification of broad-based, stable, ongoing revenue sources; development of a technology investment account to help ensure the establishment of HealthInfoNet and provide financial assistance to health care providers with limited resources with the costs of electronic medical records and e-prescribing; estimating return on investment from shared electronic clinical information; establishing eligibility criteria for funding assistance; developing a methodology for measuring the quality and cost impact of HealthInfoNet and shared electronic clinical information; and providing recommendations, including legislation, to the joint standing committee of the Legislature having jurisdiction over health and human services matters by December 1, 2008.

2. The stakeholder group must be broadly representative of persons and entities in the health care field, and representatives must be invited, at a minimum, from the following: providers and payors of health care services, associations of providers and payors, providers of long-term care and assisted living services, rural health clinics and associations representing those providers, Maine pharmacies, the pharmaceutical manufacturing industry, public health advocates and entities, state agencies that provide and pay for health care services, the Governor's Office of Health Policy and Finance, the Muskie School of Public Service, the MaineCare Advisory Committee, the Governor's MaineCare Providers' Advisory Group, the American Association of Retired Persons, the Finance Authority of Maine, the Maine Health and Higher Educational Facilities Authority, the Maine Technology Institute, the Maine State Chamber of Commerce and HealthInfoNet.

The stakeholder group must meet in May, June, July, September, October and November of 2008. All meetings must be public meetings. Legislators must be provided notice of the meeting dates and encouraged to attend as observers.

The expenses of convening the stakeholder group must be borne by HealthInfoNet.

The joint standing committee of the Legislature having jurisdiction over health and human services matters is authorized to submit legislation to the 124th

Legislature pertaining to establishing and financing a quality improvement and technology fund.

See title page for effective date.

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## CHAPTER 199

### H.P. 1417 - L.D. 2033

#### **Resolve, Directing the Department of Health and Human Services To Adopt Rules Governing Water Activities Offered by Licensed Child Care Facilities**

**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 Department of Health and Human Services has adopted rules governing the use of pools by licensed child care facilities; and

**Whereas**, these rules do not address the use of lakes and ponds by licensed child care facilities; and

**Whereas**, it is imperative that this issue be addressed prior to the summer season; 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 of rules. Resolved:** That the Department of Health and Human Services shall adopt rules governing the use of lakes and ponds by licensed child care facilities and certified family child care providers. The rules must allow a child care facility or a family child care provider to use a lake or pond for water activities without a lifeguard on duty as long as the family child care provider or child care facility has written permission from the parent or guardian of every child who participates in water activities and a written water safety plan and meets all of the other water safety rules for swimming pools. The water safety plan must ensure that:

1. The staff-to-child ratios for swimming pools are maintained and that no fewer than 2 people who are at least 18 years of age are present at all times;

2. At least one person present is trained as a water safety attendant as defined in the rules for swimming pools;

3. A barrier is provided, such as a roped-off area with buoys, that is no wider than 16 feet across at any point and partitions off a part of the water that is no

deeper than 4 feet at any point and is in place prior to the children's entering the water;

4. Children 8 years of age and under wear a life jacket in the water; and

5. Children over 8 years of age have had swimming lessons and can demonstrate the ability to swim, or must wear a life jacket.

Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A and must be adopted and in effect no later than June 1, 2008; and be it further

**Sec. 2. Notice regarding water activities.**

**Resolved:** That the Department of Health and Human Services shall adopt rules that require a family child care provider or child care facility that offers water activities without a lifeguard on duty to provide written notice to the parent or guardian of every child who participates in water activities that there will not be a lifeguard on duty.

Rules adopted pursuant to this section 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 legislation takes effect when approved.

Effective April 14, 2008.

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**CHAPTER 200**

**S.P. 771 - L.D. 1977**

**Resolve, To Establish a  
Statewide Protocol for the  
Early Detection and Treatment  
of Autism**

**Sec. 1. Work group. Resolved:** That the Department of Education and the Department of Health and Human Services shall convene an interdepartmental work group to develop and establish a uniform statewide protocol for screening children from 18 to 30 months of age for signs of autism, to examine models that meet criteria for evidence-based clinical trials to support individual young children with the diagnosis of autism served through the Child Development Services System and to examine the interdepartmental system for capacity and service availability. The interdepartmental work group shall report to the joint standing committees of the Legislature having jurisdiction over education and cultural affairs and health and human services matters by January 15, 2009. The joint standing committees of the Legislature having jurisdiction over education and cultural affairs and health and human services matters may submit legisla-

tion to the First Regular Session of the 124th Legislature.

See title page for effective date.

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**CHAPTER 201**

**S.P. 904 - L.D. 2275**

**Resolve, Authorizing the  
Creation of a Veterans Campus  
and the Conveyance of the  
State's Interest in Certain Real  
Property in the City of Bangor**

**Preamble. Whereas,** the proportion of veterans in Maine's population consistently is among the highest in the nation, the 2000 Federal Census estimated that nearly 155,000 veterans live in Maine and approximately 16% of the State's population over 18 years of age is composed of veterans; and

**Whereas,** the Maine Veterans' Homes was created by this State to provide long-term nursing care to Maine veterans pursuant to the Maine Revised Statutes, Title 37-B, chapter 11, and the Veterans Housing Coalition of Maine is a nonprofit organization incorporated in this State for the purpose of providing residential housing for veterans in need; and

**Whereas,** a diverse committee of stakeholders, including veterans' representatives, municipal officials, state officials, current campus occupants and Saxl Park committee members, has achieved unanimous agreement on a set of recommendations reflected in this resolve to create a veterans' campus of diverse services on a site in Bangor, which currently is part of the overall Dorothea Dix Psychiatric Center campus; and

**Whereas,** the Maine Veterans' Homes currently operates a 120-bed skilled nursing facility and a 30-bed residential care facility for veterans on a 15-acre parcel of land on a portion of the grounds of the Dorothea Dix Psychiatric Center, which land was donated by this State in 1994; and

**Whereas,** the Maine Veterans' Homes now intends to play a lead role in construction of an integrated veterans' campus, including a veterans' community-based outpatient clinic that is anticipated to be operated by the United States Department of Veterans Affairs, a veterans' hospice to be operated by the Maine Veterans' Homes and offices for the Bureau of Maine Veterans' Services located within the community-based outpatient clinic, on land adjacent to the existing Maine Veterans' Homes nursing facility at Bangor; and

**Whereas,** the Maine Veterans' Homes currently occupies almost all of its existing 15-acre parcel on the grounds of the Dorothea Dix Psychiatric Center and will require approximately 8.21 additional acres of