

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.

Penmor Lithographers
Lewiston, Maine
2008

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 220: Methodology for Identification of Regional Service Centers, a provisionally adopted major substantive rule of the Executive Department, State Planning Office 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 legislation takes effect when approved.

Effective April 15, 2008.

CHAPTER 206

S.P. 785 - L.D. 1991

Resolve, To Create a Working Group To Develop Options for Long-term Funding for the Northern New England Poison Center

Sec. 1. Resolved: That the Department of Health and Human Services shall convene a working group to develop options for ongoing funding for the Northern New England Poison Center. The working group must include representatives of the center, medical and emergency services providers and other organizations and interested parties. The department shall submit a brief report including options and recommendations for funding the center to the joint standing committee of the Legislature having jurisdiction over health and human services matters not later than January 15, 2009. The committee may submit a bill to the First Regular Session of the 124th Legislature in response to the report.

See title page for effective date.

CHAPTER 207

H.P. 1649 - L.D. 2287

Resolve, Regarding Legislative Review of Portions of Major Substantive MaineCare Benefits Manual, Chapter III, Section 21, Home and Community Benefits for Members with Mental Retardation or Autistic Disorder, 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 Major Substantive MaineCare Benefits Manual, Chapter III, Section 21, Home and Community Benefits for Members with Mental Retardation or Autistic Disorder, 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 only if provisions related to record keeping and retention of financial records are amended to indicate that complete documentation means clear written evidence of all transactions of the provider entities related to the delivery of services, including, but not limited to, daily census data, invoices, payroll records, copies of governmental filings, staff schedules, time cards and member service charge schedules, or any other records necessary to provide the Commissioner of Health and Human Services with the highest degree of confidence that such services have actually been provided.

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

Effective April 16, 2008.

CHAPTER 208
H.P. 1677 - L.D. 2318

**Resolve, To Appoint Members
to and Establish Terms for the
Workers' Compensation Board**

Sec. 1. Workers' Compensation Board.

Resolved: That, notwithstanding the Maine Revised Statutes, Title 39-A, section 151 and Public Law 2003, chapter 608, section 14, the membership and terms of the Workers' Compensation Board are governed by this section.

1. Recommendations; nomination. No later than July 20, 2008, the employer and labor organizations designated in Title 39-A, section 151, subsection 1 shall each submit to the Governor 3 lists of no fewer than 4 names of proposed board members to the Workers' Compensation Board. From the lists submitted pursuant to this subsection, the Governor shall, by February 1, 2009, nominate 3 management representatives and 3 labor representatives to serve on the Workers' Compensation Board.

2. Resignation of incumbent board members. In order to ensure an orderly transition, the members of the Workers' Compensation Board representing management and labor that are serving on the effective date of this resolve shall resign their positions on the board effective no later March 1, 2009.

3. Eligibility of incumbents for appointment. Members of the Workers' Compensation Board representing management and labor serving on the effective date of this resolve are eligible for appointment under this section in accordance with this subsection.

A. A board member may not be appointed for a term under this resolve that, if completed, would result in that board member's serving more than 8 consecutive years on the Workers' Compensation Board, except that in the interest of ensuring continuity on the board, 2 board members, one of whom represents management and one of whom represents labor, who have served on the board since 2002 and who are serving on the effective date of this resolve may be appointed to fill 2-year terms.

4. Terms. Of the 6 board members appointed pursuant to this resolve, the Governor shall designate one labor appointment and one management appointment for a 2-year term, one labor appointment and one management appointment for a 3-year term and one

labor appointment and one management appointment for a 4-year term.

See title page for effective date.

CHAPTER 209
H.P. 1436 - L.D. 2052

**Resolve, To Create the Blue
Ribbon Commission To Study
the Future of Home-based and
Community-based Care**

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

Whereas, work to study the unmet needs and financing options of long-term home-based and community-based care must begin before the end of the legislative session because the State has an increasingly elderly population and there is a shortage of long-term home-based and community-based care workers; 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. Blue Ribbon Commission established. Resolved: That the Blue Ribbon Commission To Study Long-term Home-based and Community-based Care, referred to in this resolve as "the commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of 11 members:

1. Five members appointed by the President of the Senate as follows:

A. Two members of the Senate, including one member of the party holding the highest number of seats and one member of the party holding the 2nd highest number of seats; and

B. Three members who are experts in the field of long-term home-based and community-based care financing and service; and

2. Five members appointed by the Speaker of the House as follows:

A. Four members of the House of Representatives, including 2 members of the party holding the highest number of seats and 2 members of the party holding the 2nd highest number of seats; and