

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

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

- B. One member who has been a consumer of long-term home-based and community-based care; and
- 3. One member of the Governor's office designated by the Governor at the Speaker's request; and be it further

Sec. 3. Chairs. Resolved: That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the commission; and be it further

Sec. 4. Appointments; convening of commission. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the commission, which must be no later than 30 days following the appointment of all members; and be it further

Sec. 5. Duties. Resolved: That the commission shall examine and make recommendations on the development of choices to meet unmet needs and financing options to ensure access to and affordability of long-term home-based and community-based care. Given that the State has the oldest median age of any state in the nation, the commission shall create a coherent blueprint to ensure the sustainability of long-term home-based and community-based care options that provide choice and quality for the State's elderly and disabled citizens, many of whom are eligible for home-based and community-based care services and are not receiving them, forcing them into more costly institutional care; and be it further

Sec. 6. Staff assistance. Resolved: That, notwithstanding Joint Rule 353, the Legislative Council shall provide necessary staffing services to the commission; and be it further

Sec. 7. Outside funding. Resolved: That the commission shall seek outside funding to fully fund all costs of the commission and in accordance with the policy of the Legislative Council with regard to outside funding. If sufficient outside funding has not been received by the commission by October 1, 2008 to fully fund all costs of the commission, no meetings are authorized and no expenses of any kind may be incurred or reimbursed; and be it further

Sec. 8. Report. Resolved: That, no later than November 5, 2008, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the First Regular Session of the 124th Legislature; and be it further

Sec. 9. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

LEGISLATURE

Study Commissions - Funding 0444

Initiative: Provides an allocation to the Legislature in fiscal year 2008-09 to fund per diem and other expenses of this study.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Personal Services	\$0	\$1,320
All Other	\$0	\$2,750
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$4,070

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

Effective April 17, 2008.

**CHAPTER 210
H.P. 115 - L.D. 123**

**Resolve, To Support the
Inclusion of Labor Education
at Maine Public Institutions of
Higher Education**

Sec. 1. Support inclusion of labor education at Maine public institutions of higher education. Resolved: That the Legislature supports the inclusion of labor education as part of a comprehensive course offering at all Maine public institutions of higher education. For purposes of this resolve, "labor education" refers to, but is not limited to, the history and role of working people and the labor movement in public policy and topics such as workers' compensation, unemployment insurance, collective bargaining and labor law.

See title page for effective date.

**CHAPTER 211
H.P. 61 - L.D. 63**

**Resolve, To Study Ways To
Increase Access to After-school
Programs**

Sec. 1. Study. Resolved: That the Department of Health and Human Services and the Depart-