

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

SECOND REGULAR SESSION
January 6, 2010 to April 12, 2010

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 12, 2010

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

Augusta, Maine
2010

HEALTH AND HUMAN SERVICES,
DEPARTMENT OF
(FORMERLY DHS)

DEPARTMENT TOTALS	2009-10	2010-11
OTHER SPECIAL REVENUE FUNDS	\$0	\$1,193,973
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$1,193,973

See title page for effective date.

CHAPTER 590

H.P. 1189 - L.D. 1688

An Act To Update the Laws Affecting the Department of Health and Human Services, Division of Licensing and Regulatory Services

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

Sec. 1. 22 MRSA §1723 is enacted to read:

§1723. Processing fee

Beginning October 1, 2010, a facility or health care provider subject to the licensing, certification or registration processes of this chapter or chapter 405, 411, 412, 417 or 419 shall pay a processing fee not to exceed \$10 to the department for the reissuance of a license, certificate or registration when the licensee, certificate holder or registration holder made changes that require the reissuance of a license, certificate or registration.

The department may adopt rules necessary to implement this section. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 22 MRSA §1812-G, sub-§4-A is enacted to read:

4-A. Provider verification fee. The department may establish a provider verification fee not to exceed \$25 annually per provider for verification of a certified nursing assistant's credentials and training. Providers may not pass the cost on to the individual certified nursing assistant. Provider verification fees collected by the department must be placed in a special revenue account to be used by the department to operate the registry, including but not limited to the cost of criminal history record checks. The department may adopt rules necessary to implement this subsection. Rules

adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. 22 MRSA §2131, sub-§3, as enacted by PL 1989, c. 579, §4, is amended to read:

3. Fee. The initial and annual fee for registration is \$25.

The department may adopt rules necessary to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 4. 22 MRSA §7704 is enacted to read:

§7704. Processing fee

Beginning October 1, 2010, a facility, health care provider or program subject to the licensing or certification processes of chapter 1663, 1664, 1667, 1669, 1671 or 1673; a nursery school subject to chapter 1675; an adult day care program subject to chapter 1679; or a hospice provider subject to chapter 1681 shall pay a processing fee not to exceed \$10 to the department for the reissuance of a license or certificate when the licensee or certificate holder made changes that require the reissuance of a license or certificate.

The department may adopt rules necessary to implement this section. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 5. 22 MRSA §7705 is enacted to read:

§7705. Transaction fee for electronic renewal of license

The department may collect a transaction fee from providers renewing their licenses electronically under this subtitle. The fee may not exceed the cost of providing the electronic license renewal service. The department may adopt rules necessary to implement this section. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 6. 22 MRSA §8303-A, as amended by PL 2005, c. 530, §10 and c. 640, §4, is repealed and the following enacted in its place:

§8303-A. Fee for licenses

1. Child care facilities and certified family child care providers. The department shall adopt rules to establish reasonable fees for both initial licensure or certification and license or certification renewals for child care facilities and certified family child care providers. Rules adopted pursuant to this subsection are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A.

2. Nursery schools. The department shall adopt rules to establish reasonable initial and renewal licens-

ing fees for nursery schools that may not exceed \$40 for an initial or renewal license. The department may adopt rules necessary to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 7. 34-B MRSA §1224 is enacted to read:
§1224. Processing fee

Beginning October 1, 2010, a facility or health care provider subject to the licensing provisions of section 1203-A shall pay a processing fee not to exceed \$10 to the department for the reissuance of a license when the licensee made changes that require the reissuance of a license.

The department may adopt rules necessary to implement this section. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 591

H.P. 1218 - L.D. 1717

An Act To Increase the Affordability of Clean Energy for Homeowners and Businesses

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 State has an aging housing stock that contributes to a high per capita consumption of oil; and

Whereas, weatherization and efficiency upgrades can dramatically reduce the amount of oil needed to heat a home or building; and

Whereas, state policy includes the following energy-related targets: weatherizing 100% of residences and 50% of businesses and reducing the State's consumption of liquid fossil fuels by at least 30% by 2030; reducing peak-load electric energy consumption by 100 megawatts and building stable private sector jobs providing clean energy and energy efficiency products and services in the State by 2020; and reducing greenhouse gas emissions from the heating and cooling of buildings in the State by amounts consistent with the State's goals established in the Maine Revised Statutes, Title 38, section 576; and

Whereas, the up-front costs of weatherization and efficiency upgrades keep homeowners and businesses from making such improvements; and

Whereas, on December 14, 2009 the State submitted a grant proposal to the United States Department of Energy seeking \$75,000,000 for a Retrofit Ramp-Up program that could be used to aggressively weatherize the State's housing stock; and

Whereas, the State's Retrofit Ramp-Up grant proposal relies, in part, upon property assessed clean energy, or PACE, financing, both for the deployment of federal grant proceeds and for subsequent leveraging of those funds; and

Whereas, the State's grant proposal will be substantially enhanced if the State establishes a PACE financing program to finance weatherization and energy savings improvements; and

Whereas, the State has a short summer construction season for implementing weatherization and energy savings improvements; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 35-A MRSA c. 99 is enacted to read:

CHAPTER 99

PROPERTY ASSESSED CLEAN ENERGY

§10151. Short title

This chapter may be known and cited as "the Property Assessed Clean Energy Act" or "the PACE Act."

§10152. Declaration of public purpose

It is declared that the establishment and implementation of property assessed clean energy, or PACE, programs to finance energy savings improvements are public purposes.

§10153. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Energy savings improvement. "Energy savings improvement" means an improvement to qualifying property that, as determined by the trust, is new and permanently affixed to qualifying property and that:

A. Will result in increased energy efficiency and substantially reduced energy use and:

- (1) Meets or exceeds applicable United States Environmental Protection Agency and United States Department of Energy Energy