

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2009

group under section 1, including any necessary implementing legislation; and be it further

Sec. 4. Legislation. Resolved: That, after receipt and review of the report and recommendations submitted pursuant to section 3, the Joint Standing Committee on Health and Human Services may submit legislation to the Second Regular Session of the 124th Legislature.

See title page for effective date.

CHAPTER 67

H.P. 84 - L.D. 100

Resolve, To Direct the Department of Education and the Department of Health and Human Services To Implement Strategies To Increase the Provision of Oral Health Screenings to Preschool Children and Children Entering School

Sec. 1. Pilot programs to increase oral health screening. Resolved: That the Commissioner of Health and Human Services, in consultation with the Commissioner of Education and pursuant to the Maine Revised Statutes, Title 20-A, section 6454, shall develop one or more pilot programs, providing screenings at a total of 3 sites, to evaluate the provision of oral health screenings for preschool children and children entering elementary school. Pilot programs must be implemented at a total of 3 sites. Prior to establishing a pilot program, the commissioners shall:

1. Review existing oral health programs and initiatives in the State and develop an inventory of these programs and the services provided;
2. Review mandatory health screenings in other states and research and evidence on the effectiveness of oral health screenings in schools;
3. Identify the costs of implementing an oral health screening program and potential funding sources for the program; and
4. Develop standards of practice for screenings and appropriate training for school personnel.

A pilot program must clearly provide that a student whose parents object to oral health screenings may not be screened; and be it further

Sec. 2. Report to legislative committees on oral health pilot programs. Resolved: That the Commissioner of Health and Human Services and the Commissioner of Education shall report on the devel-

opment and implementation of pilot programs authorized under section 1 to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Education and Cultural Affairs no later than February 15, 2010. Using information obtained from the pilot programs, the commissioners shall include in the report the standards of practice developed for screenings, a description of the training needed to conduct the screenings and an estimate of the need for treatment for students without access to dental services. The report must also include an account of expenditures to implement the pilot programs; and be it further

Sec. 3. Authority to submit legislation. Resolved: That the Joint Standing Committee on Education and Cultural Affairs may submit legislation to the Second Regular Session of the 124th Legislature pertaining to the provision of oral health screenings for preschool and elementary school students; and be it further

Sec. 4. Authorization to use grant funds. Resolved: That, notwithstanding the Maine Revised Statutes, Title 22, section 2128, subsection 5, funds from the Maine School Oral Health Fund may be used to implement pilot programs in accordance with this resolve. No more than \$10,000 from the fund may be used to implement the pilot programs, including the cost of administration, coordination and evaluation of the pilot programs.

See title page for effective date.

CHAPTER 68

H.P. 608 - L.D. 877

Resolve, To Review the Maine Registry of Certified Nursing Assistants

Sec. 1. Convene working group. Resolved: That the Department of Health and Human Services shall convene a working group to examine and make recommendations for changes to the current law prohibiting an individual from employment as a certified nursing assistant in certain settings if the individual has been convicted of a crime involving abuse, neglect or misappropriation of property in a health care setting. The working group must include representatives of the department, the long-term care ombudsman program, advocates for victims of sexual assault, law enforcement officials, direct care workers and employers. At least one member of the working group must have expertise in the Maine Criminal Code; and be it further

Sec. 2. Review. Resolved: That the working group under section 1 shall review the list of crimes that preclude an individual from employment as a cer-

tified nursing assistant in certain settings and make recommendations for changes, including, but not limited to, the addition of crimes involving sexual assault and violence. The working group shall consider issues related to the duration of the employment prohibition, the direct care workers to which it is applicable and whether the law should be retroactive; and be it further

Sec. 3. Report recommendations. Resolved: That, by January 1, 2010, the Department of Health and Human Services shall report to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Criminal Justice and Public Safety the findings and recommendations of the working group under section 1, including any necessary implementing legislation; and be it further

Sec. 4. Legislation. Resolved: That, after receipt and review of the report and recommendations submitted pursuant to section 3, the Joint Standing Committee on Health and Human Services may submit legislation to the Second Regular Session of the 124th Legislature.

See title page for effective date.

**CHAPTER 69
H.P. 670 - L.D. 968**

**Resolve, Regarding New Utility
Line Extension Construction**

Sec. 1. New utility line extension construction. Resolved: That the Public Utilities Commission shall convene a stakeholder group to study the practices of investor-owned transmission and distribution utilities with respect to new utility line extension construction, other than the actual rates and prices charged for line extensions. The study must include, but is not limited to, an evaluation of how the utilities' line extension practices affect private line extension contractors and a review of the methodologies used to apportion line extension costs. The commission shall, at a minimum, invite representatives from the following to participate in the stakeholder group: the investor-owned transmission and distribution utilities in the State, associations of builders and contractors, private line extension contractors and the Office of the Public Advocate; and be it further

Sec. 2. Report; authority for legislation. Resolved: That, no later than February 15, 2010, the Public Utilities Commission shall submit to the Joint Standing Committee on Utilities and Energy a report of the findings and recommendations of the stakeholder group under section 1. The report must include, but is not limited to, an assessment of any differences in the apportionment methodologies used by the

investor-owned transmission and distribution utilities and recommendations to achieve a common standard operating procedure for line extension cost estimating. After receipt and review of the report, the committee is authorized to report out legislation to the Second Regular Session of the 124th Legislature, as necessary, to direct the Public Utilities Commission to amend its rules governing private line extensions pursuant to the Maine Revised Statutes, Title 35-A, section 314, subsection 5.

See title page for effective date.

**CHAPTER 70
H.P. 756 - L.D. 1094**

**Resolve, To Study Safety
Measures Relating to Open
Trenches and Excavations**

Sec. 1. Department of Transportation to establish a working group to study safety measures relating to open trenches and excavations. Resolved: That the Department of Transportation, in conjunction with the Department of Public Safety, shall establish a working group to study trench and excavation safety, referred to in this resolve as "the working group." In addition to representatives of the Department of Transportation and the Department of Public Safety, the working group must include, but is not limited to, the Department of Labor, the Public Utilities Commission, the Maine Turnpike Authority, the Maine Better Transportation Association, the Maine Municipal Association, Associated General Contractors of Maine and other representatives of the construction industry in the State to examine safety issues relating to unattended trenches and excavations on both public and private property. The working group, in its deliberations, shall study the trench safety law recently enacted in Massachusetts, which is specifically designed to prevent a member of the public from falling into an unattended trench and suffering an injury or fatality. The working group shall develop recommendations for improving the safety of unattended trenches and excavations for the general public; and be it further

Sec. 2. Report. Resolved: That the working group shall submit a report to the Joint Standing Committee on Transportation no later than the first business day in February 2010. The report must include an analysis of federal and state trench and excavation safety laws, regulations and rules with recommended legislation to strengthen laws relating to trench and excavation safety. After reviewing the report, the Joint Standing Committee on Transportation may report out a bill to the Second Regular Session of