

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**September 27, 2011**

**SECOND REGULAR SESSION**  
**January 4, 2012 to May 31, 2012**

**THE EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**LAWS IS**  
**SEPTEMBER 28, 2011**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 30, 2012**

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

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**Augusta, Maine**  
**2012**

tion of the public peace, health and safety; now, therefore,

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

**Sec. 1. Municipal cost components for services rendered.** In accordance with the Maine Revised Statutes, Title 36, chapter 115, the Legislature determines that the net municipal cost component for services and reimbursements to be rendered in fiscal year 2012-13 is as follows:

Audit - Fiscal Administration	\$208,111
Education	11,858,597
Forest Fire Protection	150,000
Human Services - General Assistance	58,000
Property Tax Assessment - Operations	900,618
Maine Land Use Regulation Commission - Operations	531,811
<b>TOTAL STATE AGENCIES</b>	<b>\$13,707,137</b>

County Reimbursements for Services:

Aroostook	\$973,192
Franklin	839,845
Hancock	158,145
Kennebec	6,626
Oxford	866,635
Penobscot	976,973
Piscataquis	948,372
Somerset	1,388,233
Washington	835,934
<b>TOTAL COUNTY SERVICES</b>	<b>\$6,993,955</b>
<b>TOTAL REQUIREMENTS</b>	<b>\$20,701,092</b>

COMPUTATION OF ASSESSMENT

Requirements	\$20,701,092
Less Deductions:	
General -	
State Revenue Sharing	\$195,764

Homestead Reimbursement	90,954
Miscellaneous Revenues	150,000
Transfer from undesignated fund balance	2,000,000
<b>TOTAL</b>	<b>\$2,436,718</b>
Educational -	
Land Reserved Trust	\$56,915
Tuition/Travel	101,622
Miscellaneous	20,000
Special - Teacher Retirement	191,943
<b>TOTAL</b>	<b>\$370,480</b>
<b>TOTAL DEDUCTIONS</b>	<b>\$2,807,198</b>
<b>TAX ASSESSMENT</b>	<b>\$17,893,894</b>

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

Effective April 4, 2012.

**CHAPTER 592**

**S.P. 660 - L.D. 1883**

**An Act To Clarify the Regulation of Private Natural Gas Pipelines**

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

**Sec. 1. 35-A MRSA §4517, sub-§1,** as enacted by PL 2011, c. 110, §1, is repealed and the following enacted in its place:

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Affiliated compression or liquefaction facility" means a facility that is used to liquefy or compress natural gas for sale or distribution to others by means other than a pipeline and that is owned or operated by an affiliate of the owner of a private natural gas pipeline.

B. "Private natural gas pipeline" means a pipeline that is used solely for the transport of natural gas to a single customer and is owned by the customer and whose owner or operator is not otherwise

regulated by the commission as a natural gas pipeline utility or gas utility. For purposes of this paragraph, "customer" includes an affiliate of a customer.

**Sec. 2. 35-A MRSA §4517, sub-§§2 and 3,** as enacted by PL 2011, c. 110, §1, are amended to read:

**2. Safety regulation.** The commission may exercise safety regulation over an entity that owns or operates a private natural gas pipeline on public land or land owned by a 3rd party, notwithstanding that the entity is not a public utility. The commission may exercise safety regulation over the owner or operator of an affiliated compression or liquefaction facility, notwithstanding that the owner or operator is not a public utility. Safety regulation under this subsection may be enforced as provided in sections 4515 and 4516-A.

**3. Approval of construction.** A private natural gas pipeline or affiliated compression or liquefaction facility may not be constructed without approval of the commission. When requesting approval, the entity that owns or operates a private natural gas pipeline or affiliated compression or liquefaction facility shall submit to the commission information concerning the engineering design of the pipeline or affiliated compression or liquefaction facility and the standards of construction the entity proposes to follow and any other information the commission determines necessary to make a determination of whether to approve construction. The commission shall approve the construction if the commission determines that the standards of construction of the pipeline or affiliated compression or liquefaction facility adequately protect the safety of the public.

**Sec. 3. 35-A MRSA §4517, sub-§5** is enacted to read:

**5. Sale by affiliate of liquefied natural gas or compressed natural gas.** The owner or operator of a private natural gas pipeline that delivers natural gas to its affiliate that then liquefies or compresses the natural gas for sale or distribution to others by means other than by a pipeline is not, as a result of the delivery, considered a public utility. The owner or operator of an affiliated compression or liquefaction facility is not considered a public utility if the owner or operator is not otherwise regulated by the commission as a public utility.

See title page for effective date.

## CHAPTER 593

### S.P. 539 - L.D. 1629

#### **An Act To Allow for a Contingency Fee Agreement with a MaineCare Program Integrity Recovery Audit Contractor**

**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 detection of errors in reimbursement and the collection of overpayments and correction of underpayments for services in the MaineCare program within the Department of Health and Human Services are critical to the integrity of the program and to compliance with the requirements of federal law; and

**Whereas,** initiating the services of a recovery audit contractor for the MaineCare program in a timely manner is important to the fiscal integrity of the program and to compliance with federal law; 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. 22 MRSA §13-A** is enacted to read:

#### **§13-A. MaineCare program integrity recovery audit contractor agreement**

Notwithstanding any other provision of law to the contrary, the provisions of this section apply to MaineCare program integrity recovery audit contracting. The department may enter into an agreement with a recovery audit contractor for the purpose of ensuring MaineCare program integrity, specifically to identify and reimburse to correct underpayments and to identify and recoup overpayments under the Medicaid state plan and under any waiver of the state plan. An agreement entered into under this section must provide that payment to the contractor may be made only from amounts recovered and that payments for identifying underpayments and collecting overpayments must be made on a contingent fee basis. After payments to correct underpayments and payment of any contingent fees due to the contractor, the proceeds of collections from overpayments must be deposited into the Medi-