

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.

Augusta, Maine
2012

CHAPTER 672
S.P. 591 - L.D. 1731

**An Act To Combat Human
Sex Trafficking**

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

Sec. 1. 17-A MRSA §852, sub-§2, as enacted by PL 1975, c. 499, §1, is amended to read:

2. As used in this section, "compelling" includes but is not limited to:

A. The use of a drug or intoxicating substance to render a person incapable of controlling ~~his~~ that person's conduct or appreciating its nature; ~~and~~

B. Withholding or threatening to withhold a narcotic drug or alcoholic liquor from a drug or alcohol-dependent person. A "drug or alcohol-dependent person" is one who is using narcotic drugs or alcoholic liquor and who is in a state of psychic or physical dependence or both, arising from the use of the drug or alcohol on a continuing basis;

C. Making material false statements, misstatements or omissions;

D. Withholding, destroying or confiscating an actual or purported passport or other immigration document or other actual or purported government identification document with the intent to impair a person's freedom of movement;

E. Requiring prostitution to be performed to retire, repay or service an actual or purported debt; and

F. Using force or engaging in any scheme, plan or pattern to instill in a person a fear that, if the person does not engage or continue to engage in prostitution, the actor or another person will:

(1) Cause physical injury or death to a person;

(2) Cause damage to property, other than property of the actor;

(3) Engage in other conduct constituting a Class A, B or C crime, kidnapping or criminal restraint;

(4) Accuse some person of a crime or cause criminal charges or deportation proceedings to be instituted against some person;

(5) Expose a secret or publicize an asserted fact, regardless of veracity, tending to subject some person, except the actor, to hatred, contempt or ridicule;

(6) Testify or provide information or withhold testimony or information regarding another person's legal claim or defense;

(7) Use a position as a public servant to perform some act related to that person's official duties or fail or refuse to perform an official duty in a manner that adversely affects some other person; or

(8) Perform any other act that would not in itself materially benefit the actor but that is calculated to harm the person being compelled with respect to that person's health, safety or immigration status.

See title page for effective date.

CHAPTER 673
S.P. 554 - L.D. 1655

**An Act To Create a Sales Tax
Exemption for the Sale and
Delivery of Off-peak Electricity
for Electric Thermal Storage
Devices**

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 sale and use of electric thermal storage devices will enable homeowners to obtain electricity in an efficient and safe manner and improve the efficiency of the electric power system through the use of off-peak electricity; and

Whereas, in order to maximize the benefit provided by this Act it is necessary to provide incentives for the use of electric thermal storage devices during the current heating season; 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. 36 MRSA §1760, sub-§9-B, as amended by PL 2007, c. 438, §35, is repealed and the following enacted in its place:

9-B. Residential electricity. Sale and delivery of residential electricity as follows:

A. The first 750 kilowatt hours of residential electricity per month; and

B. Off-peak residential electricity used for space heating or water heating by means of an electric thermal storage device. For the purpose of this paragraph, "off-peak residential electricity" means the off-peak delivery of residential electricity pursuant to tariffs on file with the Public Utilities Commission and the electricity supplied.

For the purpose of this subsection, "residential electricity" means electricity furnished to buildings designed and used for both human habitation and sleeping, with the exception of hotels. When residential electricity is furnished through one meter to more than one residential unit and when the transmission and distribution utility applies its tariff on a per unit basis, the furnishing of electricity is considered a separate sale for each unit to which the tariff applies. For the purpose of this subsection, "delivery" means transmission and distribution.

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

Effective May 21, 2012.

**CHAPTER 674
S.P. 538 - L.D. 1628**

**An Act To Limit Payment for
Care and Treatment of
Residents of State Institutions**

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

Sec. 1. 34-B MRSA §1409, sub-§1, ¶B-1, as enacted by PL 2005, c. 256, §1, is amended to read:

B-1. "Resident," for purposes of this section and this section only, means any of the following:

- (1) A person who is an inpatient; or
- (2) A person who is an outpatient receiving services from any state institution, including outpatient clinic services; ~~or~~
- (3) ~~A resident of the Homestead facility.~~

Sec. 2. 34-B MRSA §1409, sub-§1, ¶D, as enacted by PL 2005, c. 683, Pt. B, §30, is repealed.

Sec. 3. 34-B MRSA §1409, sub-§11, ¶A, as enacted by PL 1983, c. 459, §7, is amended to read:

A. This subsection may not be construed as a limitation on compensation for providers of resident care and treatment; ~~and~~

Sec. 4. 34-B MRSA §1409, sub-§11, ¶B, as enacted by PL 1983, c. 459, §7, is amended to read:

B. This subsection may not be construed as a limitation on contractual arrangements between the providers and the State; ~~and~~

Sec. 5. 34-B MRSA §1409, sub-§11, ¶C is enacted to read:

C. For a resident receiving services, including medical care, goods, prescription drugs and other medications, outside a state institution, the commissioner may pay the provider of those services an amount no greater than the reimbursement rate applicable to that provider and that service under the Medicare fee schedule.

Sec. 6. 34-B MRSA §1409, sub-§13, as amended by PL 2005, c. 256, §4, is further amended to read:

13. Special revenue account; Riverview Psychiatric Center. The commissioner shall establish a special revenue account for the Riverview Psychiatric Center ~~and the Homestead facility~~ and shall deposit into it payments or income received from residents of the Riverview Psychiatric Center ~~and the Homestead facility~~, the Medicaid program or other 3rd-party payors. The commissioner shall use the funds on deposit for expenses of the Riverview Psychiatric Center ~~and the Homestead facility~~.

Sec. 7. Appropriations and allocations. The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF (FORMERLY BDS)**

Disproportionate Share - Dorothea Dix Psychiatric Center 0734

Initiative: Reduces funding from savings from limiting reimbursement for medical services provided to a resident of a state institution outside of a state institution to the Medicare rate.

GENERAL FUND	2011-12	2012-13
All Other	\$0	(\$5,630)
GENERAL FUND TOTAL	\$0	(\$5,630)

Disproportionate Share - Riverview Psychiatric Center 0733

Initiative: Reduces funding from savings from limiting reimbursement for medical services provided to a resident of a state institution outside of a state institution to the Medicare rate.

GENERAL FUND	2011-12	2012-13
All Other	\$0	(\$45,191)
GENERAL FUND TOTAL	\$0	(\$45,191)