

# 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**

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)
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>(\$5,630)</b>

**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)
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>(\$45,191)</b>

**Dorothea Dix Psychiatric Center 0120**

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.

<b>GENERAL FUND</b>	<b>2011-12</b>	<b>2012-13</b>
All Other	\$0	(\$2,970)
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GENERAL FUND TOTAL	\$0	(\$2,970)

**Dorothea Dix Psychiatric Center 0120**

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.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2011-12</b>	<b>2012-13</b>
All Other	\$0	(\$9,810)
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$9,810)

**Dorothea Dix Psychiatric Center 0120**

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.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2011-12</b>	<b>2012-13</b>
All Other	\$0	(\$1,590)
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$1,590)

**Riverview Psychiatric Center 0105**

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.

<b>GENERAL FUND</b>	<b>2011-12</b>	<b>2012-13</b>
All Other	\$0	(\$9,288)
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GENERAL FUND TOTAL	\$0	(\$9,288)

**Riverview Psychiatric Center 0105**

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.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2011-12</b>	<b>2012-13</b>
All Other	\$0	(\$78,181)
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$78,181)

**Riverview Psychiatric Center 0105**

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.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2011-12</b>	<b>2012-13</b>
All Other	\$0	(\$7,340)
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$7,340)

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

<b>DEPARTMENT TOTALS</b>	<b>2011-12</b>	<b>2012-13</b>
GENERAL FUND	\$0	(\$63,079)
OTHER SPECIAL REVENUE FUNDS	\$0	(\$96,921)
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DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$160,000)

See title page for effective date.

**CHAPTER 675**

**S.P. 552 - L.D. 1653**

**An Act To Make Fisheries and Wildlife and Marine Resources Projects Eligible for Tax Increment Financing**

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

**Sec. 1. 30-A MRSA §5222, sub-§10-A is enacted to read:**

**10-A. Fisheries and wildlife or marine resources project.** "Fisheries and wildlife or marine resources project" means a project approved by the Department of Inland Fisheries and Wildlife or the Department of Marine Resources undertaken for the