

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 28, 2011

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

Augusta, Maine
2011

branch, the Criminal Law Advisory Commission under Title 17-A, section 1351, the Maine Coalition to End Domestic Violence, the Maine Coalition Against Sexual Assault, first responders and other emergency care providers; and be it further

Sec. 2. Report. Resolved: That the commission shall submit a report by February 15, 2012 to the Joint Standing Committee on Criminal Justice and Public Safety. The report must include the commission's findings and recommendations regarding methods to deal with strangulation in the State, including, as it determines necessary, proposed legislation; proposed education and training for law enforcement, prosecutors and the judiciary; and proposed programs and outreach for public awareness and advocacy. Upon receipt of the commission's report and recommendations, the committee may report out legislation to the Second Regular Session of the 125th Legislature.

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

Effective June 13, 2011.

CHAPTER 77

H.P. 1105 - L.D. 1504

Resolve, To Ensure a Strong Start for Maine's Infants and Toddlers by Extending the Reach of High-quality Home Visitation

Sec. 1. State plan to coordinate current home visitation programs. Resolved: That the Department of Health and Human Services, referred to in this resolve as "the department," shall develop a comprehensive plan for fiscal years 2011-12, 2012-13 and 2013-14 relating to home visitation programs and services for vulnerable families in at-risk communities. The plan must reflect an emphasis on proven strategies to improve early childhood health and cognition, in order to increase future productivity and reduce future demand on tax-supported services, and on serving infants who are at risk due to physical, emotional, developmental or environmental factors. The plan must ensure that these programs and services, to the greatest extent possible, are funded by federal, private, local and other special revenue resources, particularly seeking to leverage both cash and in-kind private match wherever possible; and be it further

Sec. 2. Supporting direct services. Resolved: That the plan developed under section 1 must support direct services and continued investment in quality assurance, evaluation and professional devel-

opment infrastructure, including training and ongoing supervision; and be it further

Sec. 3. Reporting. Resolved: That, by February 1, 2012, the department shall submit a report, including suggested legislation, to the Joint Standing Committee on Health and Human Services regarding the plan under section 1 and the status of all state-funded home visitation programs, including a brief description of each program, an evaluation to date of each program and the next steps the department recommends to ensure the improved health outcomes, reduced costs to taxpayers and enhanced future productivity through these programs, as well as how the programs further the State's goal of coordinated home visitation for all vulnerable families in at-risk communities. The Joint Standing Committee on Health and Human Services may report out a bill to the Second Regular Session of the 125th Legislature concerning the programs.

See title page for effective date.

CHAPTER 78

H.P. 550 - L.D. 743

Resolve, Regarding Legislative Review of Portions of Chapter 101, MaineCare Benefits Manual Chapter III, Section 21: Allowances for Home and Community Benefits for Members with Intellectual Disabilities or Autistic Disorder, a Major Substantive Rule of the Department of Health and Human Services

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 Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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 preserva-

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

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 101, MaineCare Benefits Manual Chapter III, Section 21: Allowances for Home and Community Benefits for Members with Intellectual Disabilities or Autistic Disorder, a provisionally adopted major substantive rule of the Department of Health and Human Services that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective June 14, 2011.

CHAPTER 79

H.P. 1128 - L.D. 1536

Resolve, Directing the Commissioner of Professional and Financial Regulation To Conduct Meetings To Review the Issue of Compliance with the Laws Governing Guaranteed Price Home Heating Oil, Kerosene and Liquefied Petroleum Gas Contracts

Sec. 1. Commissioner of Professional and Financial Regulation to review options for reporting compliance with the laws governing guaranteed price home heating oil, kerosene and liquefied petroleum gas contracts. Resolved: That the Commissioner of Professional and Financial Regulation shall convene a working group with interested parties to determine what information could be included in a report from dealers of home heating oil, kerosene and liquefied petroleum gas to the State that would demonstrate their compliance with the current law that requires dealers to secure their prepaid guaranteed price home heating oil, kerosene and liquefied petroleum gas contracts, pursuant to the Maine Revised Statutes, Title 10, section 1110, and to develop recommendations to improve the State's ability to ensure compliance with that law and with new reporting requirements that do not place any undue burden on the businesses involved; and be it further

Sec. 2. Reporting date established. Resolved: That, no later than January 15, 2012, the Commissioner of Professional and Financial Regulation shall submit a report of the findings and recom-

mendations of the working group convened under section 1 to the Joint Standing Committee on Labor, Commerce, Research and Economic Development. That committee is authorized to introduce a bill on the subject matter of the report to the Second Regular Session of the 125th Legislature.

See title page for effective date.

CHAPTER 80

S.P. 373 - L.D. 1252

Resolve, To Develop a Plan To Improve Public Guardianship Services to Adults with Cognitive Disabilities

Sec. 1. Stakeholder group for a working plan created. Resolved: That the Maine Developmental Disabilities Council, as established in the Maine Revised Statutes, Title 34-B, section 17001, referred to in this resolve as "the council," shall convene a stakeholder group to develop a working plan for a program for the transition, beginning July 1, 2012, of public guardianship responsibilities for adults with cognitive disabilities from the Department of Health and Human Services to an entity independent of that agency for a transition to begin by July 1, 2012. The council shall invite at least one representative from each of the following organizations:

1. The Disability Rights Center;
2. Speaking Up for Us of Maine, a self-advocacy organization;
3. The Department of Health and Human Services, Office of Advocacy, established in Title 34-B, section 5005;
4. The Department of Health and Human Services, Office of Adults with Cognitive and Physical Disability Services;
5. The Office of the Attorney General;
6. The Maine Developmental Services Oversight and Advisory Board, established in Title 34-B, section 1223;
7. The Maine Association for Community Service Providers; and
8. The Maine Probate Judges Assembly; and be it further

Sec. 2. Duties. Resolved: That the stakeholder group shall investigate and develop a plan for the Department of Health and Human Services to separate the service coordination for individuals with cognitive disabilities function from the public guardianship function for individuals who are wards of the State and shall include in its findings: