

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

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

Effective March 29, 2012.

CHAPTER 141

H.P. 1340 - L.D. 1817

Resolve, Regarding Access to Eastern Road in Scarborough

Preamble. The Constitution of Maine, Article IX, Section 23 requires that real estate held by the State for conservation or recreation purposes may not be reduced or its uses substantially altered except on the vote of 2/3 of all members elected to each House.

Whereas, certain real estate authorized for conveyance by this resolve is under the designations described in the Maine Revised Statutes, Title 12, section 598-A; now, therefore, be it

Sec. 1. Acquisition of easement for access to Eastern Road in the Town of Scarborough.

Resolved: That the Department of Inland Fisheries and Wildlife, referred to in this resolve as "the department," shall convey a nonexclusive easement for farm, conservation and residential use to Anthony Attardo and Anthony Attardo, Jr., referred to in this resolve as "the Attardos," through and across Eastern Road in the Town of Scarborough, running westerly from the intersection of Eastern Road with the westerly side of Black Point Road to the westerly sideline of Anthony Attardo, Jr.'s lot as the westerly terminus; which non-exclusive easement does not significantly or unreasonably interfere with any use contemplated for Eastern Road or the Scarborough Marsh Wildlife Management Area; and be it further

Sec. 2. Consideration for easement.

Resolved: That the Attardos shall grant to the department an easement in a mutually acceptable location for maintenance, running from Eastern Road southerly across the land of the Attardos situated on the easterly side of Black Point Road, for the purpose of maintaining undeveloped lands owned or controlled by the department, which easement benefits the department and the people of the State by providing an access near the Scarborough Marsh Wildlife Management Area that will allow the department to better manage the area, and this benefit exceeds any loss of value due to the nonexclusive easement conveyed in section 1. The Attardos shall reimburse the department for the department's legal expenses up to \$2,800. The granting of the easement to the department and the paying of the department's legal fees are the only considerations that are required of the Attardos in return for the non-exclusive easement conveyed under section 1; and be it further

Sec. 3. Transfer. Resolved: That, no later than 14 calendar days after the effective date of this resolve, the department shall submit any required application and related documents to the United States Department of the Interior, United States Fish and Wildlife Service to obtain the approval of the service to grant the easement in section 1 and the department shall deliver the deeds conveying the easement under section 1 to the Attardos no later than 60 days after all necessary permits and approvals have been received from the service; and be it further

Sec. 4. Resolve 2011, c. 57, repealed. Resolved: That Resolve 2011, c. 57 is repealed.

See title page for effective date.

CHAPTER 142

H.P. 1246 - L.D. 1694

Resolve, Directing the Department of Health and Human Services To Review Rules Governing Reimbursement to MaineCare Recipients for Transportation to and from MaineCare Services

Sec. 1. Review; rules. Resolved: That the Department of Health and Human Services shall review reimbursement under the MaineCare program for transportation of MaineCare members to and from MaineCare services, including but not limited to methadone treatment services at freestanding methadone clinics, in order to improve consistency across the State, to prevent and detect fraud and to decrease costs to the MaineCare program. The department shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by December 15, 2012 the results of its review, including recommendations for action by the department and the Legislature.

In conducting the review required by this resolve, the department shall:

1. Solicit input from health care providers, the MaineCare advisory committee within the Department of Health and Human Services, regional transportation providers and freestanding methadone clinics throughout the State regarding potential use of transportation brokers across the State, protocols used to confirm member eligibility for transportation services, methods for arranging, scheduling and verifying the use of transportation services, methods to obtain patient consent and methods for sharing information among the patient, the health care provider or the freestanding methadone clinic, the transportation provider and the

office of MaineCare services within the Department of Health and Human Services;

2. Solicit input from district attorneys regarding any instances of suspected or confirmed fraud in MaineCare reimbursement for transportation to and from health care providers and methadone treatment services at freestanding methadone clinics;

3. Review the requirements for member eligibility for transportation services, including verification of the member's place of residence, transportation reimbursement that is limited to the closest health care provider, requirements for requesting and scheduling transportation services and options and procedures for terminating transportation reimbursement for a member who violates department rules or requirements of a health care provider or freestanding methadone clinic;

4. Review, establish a timeline for and report on progress toward a regional transportation system for serving MaineCare members that uses transportation brokers, pays a flat rate per month per MaineCare member to the transportation broker and provides some degree of standardization across the State; and

5. Review options for limiting transportation reimbursement allowable under federal law and regulation and options for coordinating transportation services in order to decrease costs when transportation is needed for more than one type of MaineCare service.

See title page for effective date.

CHAPTER 143

H.P. 1317 - L.D. 1792

**Resolve, Regarding Legislative
Review of Portions of Chapter
421: Safety and Operation
Standards for Liquefied
Petroleum Gas (LPG)
Distribution Systems, a Major
Substantive Rule of the Public
Utilities Commission**

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

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 421: Safety and Operation Standards for Liquefied Petroleum Gas (LPG) Distribution Systems, a provisionally adopted major substantive rule of the Public Utilities Commission that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the commission:

1. Removes the definition of "customer";

2. Amends the rule to clarify that a liquefied petroleum gas system operator is any person who owns and engages in the transportation of liquefied petroleum gas through a jurisdictional liquefied petroleum gas system or a person who is contracted to serve as the operator by a person who owns and engages in the transportation of liquefied petroleum gas through a jurisdictional liquefied petroleum gas system;

3. Adds a provision that requires by July 1, 2012 liquefied petroleum gas suppliers to implement modified operation and maintenance procedures that include a "Red Tag" or hazardous equipment procedure for suspending service to a customer and marking the customer's system when a hazardous condition is noted that makes the continued delivery of liquefied petroleum gas unsafe;

4. Amends the rule so that liquefied petroleum gas system operators are not required to keep records for more than one year unless required by federal law;

5. Amends the rule so that liquefied petroleum gas system operators are not required to promote to excavators the "811" and "OK to Dig" notification process;

6. Amends the rule to allow the commission to grant a liquefied petroleum gas system operator 30 days in which to take corrective action before the commission issues a formal written notice of probable violation when an evaluation of an operator's records and facilities indicates that the operator is violating the rule or applicable state or federal law; and

7. Amends the rule by striking provisions related to requirements that apply when snow can be expected to cover any liquefied petroleum gas tank.