

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 30, 2012.

CHAPTER 144

S.P. 546 - L.D. 1647

Resolve, To Require Rulemaking Regarding Standing To Appeal in Proceedings before the Board of Environmental Protection and the Maine Land Use Regulation Commission

Sec. 1. Standing governing administrative appeals to the Maine Land Use Regulation Commission. Resolved: That the Maine Land Use Regulation Commission shall adopt rules to conform the standards for standing to appeal a decision to the commission to the judicial standards for standing to appeal a decision of the commission to court. Rules adopted pursuant to this section are major substantive rules under the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A and are subject to legislative review by the joint standing committee of the Legislature having jurisdiction over judiciary matters; and be further

Sec. 2. Standing governing administrative appeals to the Board of Environmental Protection. Resolved: That the Board of Environmental Protection shall adopt rules to conform the standards for standing to appeal a decision to the board to the judicial standards for standing to appeal a decision of the board to court. Notwithstanding the Maine Revised Statutes, Title 38, section 341-H, rules adopted by the board pursuant to this section are major substantive rules under Title 5, chapter 375, subchapter 2-A and are subject to legislative review by the joint standing committee of the Legislature having jurisdiction over judiciary matters.

See title page for effective date.

CHAPTER 145

H.P. 739 - L.D. 1003

Resolve, To Assist Maine Schools To Obtain Federal Funds for Medically Necessary Services

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until

90 days after adjournment unless enacted as emergency; and

Whereas, this resolve is intended to provide guidance regarding those portions of the Department of Health and Human Services' MaineCare rules that relate to implementation of special education and related services provided through the Child Development Services System and school administrative units to eligible children served in these settings; and

Whereas, it is critical that the Department of Education and the Department of Health and Human Services work together with key stakeholders to develop refinements to existing MaineCare policies or develop new policies and guidance on billing procedures as soon as possible to ensure the provision of medically necessary services to students in school-based settings; and

Whereas, the Department of Education and the Department of Health and Human Services must begin the process of refining current MaineCare policies, developing guidance on billing procedures and preparing any necessary revisions to the state plan to submit to the Federal Government for review and approval prior to the adoption of rules governing Medicaid payment for medically necessary services to eligible children in school-based settings that qualify for reimbursement; 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. Refinement of MaineCare policies.

Resolved: That the Department of Education and the Department of Health and Human Services, referred to in this section as "the departments," shall work together to refine existing policies, develop new policies or prepare nonregulatory guidance on billing procedures, as appropriate, to ensure the provision of medically necessary services to students in school-based settings. The refinements to MaineCare policies must:

1. Be in compliance with federal law;
2. Provide local school districts with options and give them the authority to choose the best option with regard to local needs and capacities;
3. Take into consideration the input of stakeholders, including representatives of the Department of Education, the Department of Health and Human Services, the Child Development Services System, the Maine School Management Association, the Maine Administrators of Services for Children with Disabilities and special purpose private schools and agencies that are approved to provide early intervention or special education programs pursuant to the Maine Re-