

# 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**

**CHAPTER 160**  
**H.P. 1418 - L.D. 1914**

**Resolve, Regarding Legislative  
Review of Portions of Chapter  
101, MaineCare Benefits  
Manual, Chapter III, Section  
32: Allowances for Waiver  
Services for Children with  
Intellectual Disabilities or  
Pervasive Developmental  
Disorders, 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 preservation 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 32: Allowances for Waiver Services for Children with Intellectual Disabilities or Pervasive Developmental Disorders, 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 April 23, 2012.

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**CHAPTER 161**  
**H.P. 1419 - L.D. 1915**

**Resolve, Regarding Legislative  
Review of Portions of Chapter  
101, MaineCare Benefits  
Manual, Chapter III, Section  
50, Principles of  
Reimbursement for  
Intermediate Care Facilities  
for the Mentally Retarded  
(ICF-MR) Services, 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 preservation 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 50, Principles of Reimbursement for Intermediate Care Facilities for the Mentally Retarded (ICF-MR) Services, 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 if the rule is amended to bring the distribution of new funding from the increase in tax from 5.5% to 6% into conformance with the funding requirements of Title 36, section 2873, subsection 4, paragraph B and to bring the language of the rule into conformance with Public Law 2011, chapter 542.

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

Effective April 23, 2012.

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**CHAPTER 162**

**H.P. 1257 - L.D. 1705**

**Resolve, To Create the Task Force on the Prevention of Sexual Abuse of Children**

**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 Task Force on the Prevention of Sexual Abuse of Children is established to create and adopt a policy addressing sexual abuse of children; and

**Whereas,** the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; 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. Task force established. Resolved:** That the Task Force on the Prevention of Sexual Abuse of Children, referred to in this resolve as "the task force," is established; and be it further

**Sec. 2. Task force membership. Resolved:** That the task force consists of 13 members appointed as follows:

1. Two members of the Senate, appointed by the President of the Senate;
2. A representative of an organization representing law enforcement, appointed by the President of the Senate;
3. A representative of a statewide professional teachers organization, appointed by the President of the Senate;
4. Two members of the House of Representatives, appointed by the Speaker of the House;
5. A representative of a sexual assault crisis and support center involved in the prevention of child sexual abuse, appointed by the Speaker of the House;
6. A person who is a victim of sexual abuse, appointed by the Speaker of the House;

7. A representative of an organization representing school management, appointed by the Speaker of the House;

8. A representative of a statewide coalition against sexual assault, appointed by the President of the Senate;

9. The Commissioner of Education, or the commissioner's designee;

10. The Commissioner of Health and Human Services, or the commissioner's designee; and

11. A representative of a community-based youth-serving organization, appointed by the President of the Senate; and be it further

**Sec. 3. Compensation. Resolved:** That, notwithstanding Joint Rule 353, public members of the task force are not entitled to reimbursement for their expenses; and be it further

**Sec. 4. Chairs. Resolved:** That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the task force; and be it further

**Sec. 5. Appointments; convening of task force. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the task force. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the task force to meet and conduct its business; and be it further

**Sec. 6. Duties. Resolved:** That the task force shall make recommendations for preventing child sexual abuse. In making those recommendations, the task force shall:

1. Gather information concerning child sexual abuse throughout the State;
2. Receive reports and testimony from individuals, state and local agencies, community-based organizations and other public and private organizations; and
3. Recommend policies to prevent and address sexual abuse of children, including age-appropriate curricula for students in prekindergarten to grade 5; methods for increasing teacher, student and parent awareness of issues regarding sexual abuse of children, including warning signs indicating that a child may be a victim of sexual abuse; actions that a child who is a victim of sexual abuse may take to obtain assistance and intervention; and available counseling options for children affected by sexual abuse; and be it further