

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-SIXTH LEGISLATURE

FIRST SPECIAL SESSION
August 29, 2013

SECOND REGULAR SESSION
January 8, 2014 to May 2, 2014

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
EMERGENCY LAW IS
SEPTEMBER 6, 2013

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 1, 2014

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

Augusta, Maine
2014

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

Sec. 1. 36 MRSA §1760, sub-§95 is enacted to read:

95. Sales of certain adaptive equipment. Sales to a person with a disability or a person at the request of a person with a disability of adaptive equipment for installation in or on a motor vehicle to make that vehicle operable or accessible by a person with a disability who is issued a disability plate or placard by the Secretary of State pursuant to Title 29-A, section 521.

Sec. 2. **Effective date.** This Act takes effect July 1, 2014.

Effective July 1, 2014.

CHAPTER 443

S.P. 554 - L.D. 1489

An Act To Address Maine's Immediate Workforce Needs

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

Sec. 1. 5 MRSA c. 383, sub-c. 2, art. 2-C is enacted to read:

ARTICLE 2-C

MAINE WORKFORCE OPPORTUNITIES PROGRAM

§13063-R. Maine Workforce Opportunities Program

1. Definitions. As used in this article, unless the context otherwise indicates, the following terms have the following meanings.

A. "Departments" means the Department of Economic and Community Development and the Department of Labor.

B. "Fund" means the Maine Workforce Opportunities Marketing Fund established in subsection 5.

C. "Program" means the Maine Workforce Opportunities Program established in subsection 2.

D. "Qualified employee" means an employee qualified to participate in the program and listed in the qualified employee registry created pursuant to subsection 3.

E. "Qualified employee registry" means the electronic registry that contains a list of qualified employees created pursuant to subsection 3.

F. "Qualified employer" means an employer who has registered with the program in accordance with rules adopted under subsection 4.

G. "Qualified employer registry" means the electronic registry that contains a list of qualified employers created pursuant to subsection 4.

2. Program established. The Maine Workforce Opportunities Program is established as a pilot project that seeks to match qualified employees with positions at companies in the State representing industries with significant unmet demand for skilled labor by promoting incentives, including a tax credit for an employee's education costs, when applicable, through the Job Creation Through Educational Opportunity Program established in Title 20-A, section 12542 and through other programs or initiatives operated by the State that seek to attract new employees to businesses in this State. The program is designed to achieve the following goals:

A. Promote economic opportunity and growth by providing an incentive to those individuals with certain skills and experience in occupations when there exists a demonstrable gap between the number of available jobs requiring those skills and experience and a smaller number of individuals willing and able to accept and succeed in those jobs;

B. Assist businesses by providing them with a registry of skilled and available individuals;

C. Offer incentives to individuals to pursue educational, training and retraining opportunities;

D. Keep individuals in the State through education tax credits and the opportunity to secure jobs in industries with significant demand; and

E. Provide immediate support for economic development in the State during a period during which comprehensive long-term workforce development solutions are implemented.

3. Creation of qualified employee registry. Working with the Maine Community College System, the University of Maine System, career centers, private postsecondary educational institutions, relevant trade associations and other entities as appropriate, the Department of Labor, in accordance with rules adopted by the departments, shall create an electronic registry of qualified employees.

The Department of Economic and Community Development shall manage the qualified employee registry and shall coordinate with the Department of Labor when supplying information from the qualified employee registry to qualified employers.

4. Creation of qualified employer registry. Working with employers, the Department of Labor, the Maine Community College System, the University of Maine System, private postsecondary educational institutions, relevant trade associations and other entities as appropriate, the Department of Economic and Community Development, in accordance with rules

adopted by the departments, shall create an electronic registry of qualified employers.

The Department of Economic and Community Development shall manage the qualified employer registry and shall coordinate with the Department of Labor when supplying information from the qualified employer registry to qualified employees.

5. Fund established. The Maine Workforce Opportunities Marketing Fund is established to receive contributions from public and private entities.

A. Payments from the fund must be used solely for the purpose of financing the marketing and promotion of the program to prospective employees, employers and tourists visiting this State and to a national and international audience.

B. The Commissioner of Economic and Community Development shall administer the fund. The commissioner may adopt routine technical rules, as defined in chapter 375, subchapter 2-A, to implement this subsection.

6. Eligibility limited. A qualified employee becomes ineligible for the program if:

A. The qualified employee leaves the employment of the qualified employer first employing the qualified employee;

B. The qualified employee is employed in a different position with a qualified employer; or

C. The qualified employee's qualified employer opts out of the program.

7. Monitoring, evaluation and annual report.

For any year in which the program is funded, the departments shall use an independent nonpartisan reviewer to complete a comprehensive evaluation of the program, using both quantitative and qualitative data and including an analysis of the return on investment of the program. The evaluation must consider, at a minimum, the effectiveness of education tax credits as a catalyst for employment, the effect on employee productivity and performance and the impact on the demand for skilled workers in industries in the State. The evaluation must measure the results of the program over time, including a longitudinal analysis that captures productivity and other outcomes related to the program and a determination of the impact on the addition of net new jobs to the State. The departments shall jointly submit a report to the joint standing committee of the Legislature having jurisdiction over labor matters by February 1st of each year on the status of the program and on the evaluation data collected and analyzed.

8. Rules. The departments shall adopt rules to implement this article. Rules adopted pursuant to this subsection are routine technical rules as defined in chapter 375, subchapter 2-A.

9. Insufficient funding. Notwithstanding any other provision of this section, if the State does not receive sufficient funds to fund this program or if funds are deappropriated so as to result in insufficient funding, the State is not obligated to make payments under this program.

10. Repeal. This section is repealed March 31, 2021.

Sec. 2. Marketing of Job Creation Through Educational Opportunity Program; report.

The Department of Economic and Community Development shall be the lead state agency in marketing to employers and employees the Job Creation Through Educational Opportunity Program established in the Maine Revised Statutes, Title 20-A, section 12542, as well as any other program or initiative funded in whole or in part by the State that provides incentives to attract new employees to businesses in Maine. The Commissioner of Economic and Community Development shall report on the results of the marketing efforts required by this section by December 1, 2014 to the Joint Select Committee on Maine's Workforce and Economic Future and the Joint Standing Committee on Labor, Commerce, Research and Economic Development. Separately, the Commissioner of Economic and Community Development shall study what the effect would be of including reimbursement of a qualified employee's housing costs as an incentive through the Maine Workforce Opportunities Program established in Title 5, chapter 383, subchapter 2, article 2-C. The commissioner shall report to the joint select committee the results of this analysis and assessment by December 1, 2014.

Sec. 3. Appropriations and allocations.

The following appropriations and allocations are made.

ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF

Maine Workforce Opportunities Marketing Fund N162

Initiative: Provides funds to create and maintain qualified employee and employer registries and to market the Job Creation Through Educational Opportunity Program.

GENERAL FUND	2013-14	2014-15
All Other	\$0	\$144,000
GENERAL FUND TOTAL	\$0	\$144,000

Sec. 4. Effective date. That section of this Act that enacts the Maine Revised Statutes, Title 5, chapter 383, subchapter 2, article 2-C takes effect July 1, 2014.

Effective July 1, 2014.

CHAPTER 444

H.P. 261 - L.D. 386

An Act To Reduce Tobacco-related Illness and Lower Health Care Costs in MaineCare

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

Sec. 1. 22 MRSA §3174-WW is enacted to read:

§3174-WW. Tobacco cessation

1. Coverage. The department shall provide coverage for comprehensive tobacco cessation treatment to a MaineCare member who is 18 years of age or older or who is pregnant. Coverage must include, at a minimum:

A. Coverage for all pharmacotherapy that is approved by the federal Food and Drug Administration for tobacco dependence treatment or is recommended as effective in the United States Public Health Service clinical practice guideline on treating tobacco use and dependence; and

B. Coverage for tobacco cessation counseling, to be available in individual and group forms.

2. Conditions of coverage. Coverage under this section must be provided with no copayments or other out-of-pocket cost sharing, including deductibles. The department may not impose annual or lifetime dollar limits or annual or lifetime limits on attempts to quit and may not require a MaineCare member to participate in counseling to receive medications.

3. Federal reimbursement. The department shall pursue all opportunities to maximize available federal reimbursement, including available administrative Medicaid match rates for telephonic counseling services, federal pharmacology purchasing agreements or other opportunities to maximize state resources for tobacco cessation medications and services.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

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

Medical Care - Payments to Providers 0147

Initiative: Allocates funds for the reimbursement of smoking cessation products under the MaineCare program.

FEDERAL EXPENDITURES FUND	2013-14	2014-15
All Other	\$427,213	\$22,433
FEDERAL EXPENDITURES FUND TOTAL	\$427,213	\$22,433
FUND FOR A HEALTHY MAINE	2013-14	2014-15
All Other	\$264,014	\$14,014
FUND FOR A HEALTHY MAINE TOTAL	\$264,014	\$14,014

See title page for effective date.

CHAPTER 445

S.P. 472 - L.D. 1353

An Act To Further Reduce Student Hunger

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 20-A MRSA §6602, sub-§1, ¶C, as enacted by PL 2011, c. 379, §4, is amended to read:

C. A school administrative unit ~~may shall~~ participate in the federal summer food service program for children established in 42 United States Code, Section 1761 as required under this paragraph. The commissioner shall assist school administrative units subject to the requirements of this paragraph in developing a plan to participate in the federal summer food service program for children and in obtaining federal, state and private funds to pay for this program. Beginning with the ~~2011-2012~~ 2013-2014 school year, a school administrative unit with at least one public school in which ~~the percentage at least 50% of students who qualify~~ qualified for a free or reduced-price lunch is ~~determined to be equal to or greater than the minimum percentage established for eligibility under the National School Lunch Program described in paragraph A~~ may during the preceding school year shall participate in the federal summer