

MAINE STATE LEGISLATURE

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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

unless the people of the State ratify the issuance of the bonds as set forth in this Part.

Sec. A-7. Appropriation balances at year-end. At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. A-8. Bonds authorized but not issued. Any bonds authorized but not issued within 5 years of ratification of this Part are deauthorized and may not be issued, except that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds for an additional amount of time not to exceed 5 years.

Sec. A-9. Referendum for ratification; submission at election; form of question; effective date. This Part must be submitted to the legal voters of the State at a statewide election held in the month of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Part by voting on the following question:

"Do you favor a \$7,000,000 bond issue to facilitate the growth of marine businesses and commercial enterprises that create jobs and improve the sustainability of the State's marine economy and related industries through capital investments, to be matched by at least \$7,000,000 in private and other funds?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Part, the Governor shall proclaim the result without delay and this Part becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Part necessary to carry out the purposes of this referendum.

PART B

Sec. B-1. Determination of awards. The Department of Economic and Community Development, in consultation with the Department of Marine

Resources and the Maine Technology Institute, shall oversee the disbursement of bond proceeds and matching funds authorized pursuant to Part A in accordance with this section. Awards of bond proceeds and matching funds must be made on a competitive basis following a request for proposal process for a single award of \$7,000,000.

1. A successful applicant must include the following entities:

- A. A marine-based research program at a private or public university or a nonprofit research institution;
- B. Commercial fishing or aquaculture interests;
- C. Community-based organizations committed to the growth of the local economy; and
- D. Private sector businesses.

2. A successful application must also include proposals for growth in each of the following areas:

- A. Traditional commercial fishing interests;
- B. Aquaculture industry;
- C. Value-added seafood processing; and
- D. Market development for Maine-based products.

PART C

Sec. C-1. Report. The Department of Economic and Community Development shall report by January 15th annually, until the bond proceeds authorized by this Act have been fully expended, on the use of the bond proceeds to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and research and economic development matters.

Sec. C-2. Contingent effective date. Part B and this Part take effect only if the General Fund bond issue proposed in Part A is approved by the voters of the State.

Effective pending referendum.

CHAPTER 593

H.P. 1253 - L.D. 1746

An Act To Facilitate Informed Planning for Higher Education and Careers

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

Sec. 1. 5 MRSA §12004-G, sub-§10-E is enacted to read:

10-E.

<u>Education</u>	<u>State Educa- tion and Employment Outcomes Task Force</u>	<u>Expenses Only</u>	<u>20-A MRSA §12901</u>
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Sec. 2. 20-A MRSA c. 437 is enacted to read:

CHAPTER 437

**STATE EDUCATION AND EMPLOYMENT
OUTCOMES TASK FORCE**

**§12901. State Education and Employment
Outcomes Task Force**

1. Task force established. The State Education and Employment Outcomes Task Force, established in Title 5, section 12004-G, subsection 10-E and referred to in this chapter as "the task force," is established to develop procedures to maintain and disseminate information and data from the Department of Labor's educational outcome database, referred to in this chapter as "the database," including but not limited to information and data on education results, program completion, graduation, credentials earned and employment and earnings outcomes for graduates of postsecondary educational institutions in the State over time.

2. Membership. The task force consists of 15 members as follows:

A. Four members appointed by the President of the Senate as follows:

- (1) Two members of the Senate, one from each of the 2 parties holding the largest number of seats in the Legislature;
- (2) A representative from the University of Maine System; and
- (3) A representative from the Maine School Management Association or a successor organization;

B. Three members appointed by the Speaker of the House as follows:

- (1) Two members of the House of Representatives, one from each of the 2 parties holding the largest number of seats in the Legislature; and
- (2) A representative from the Maine Community College System;

C. Four members appointed by the Governor as follows:

- (1) A representative from the Maine Maritime Academy;

(2) A representative from a private postsecondary educational institution in the State;

(3) A representative from the Maine State Chamber of Commerce or a successor organization; and

(4) A person with expertise in state and national higher education policy;

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

E. The Commissioner of Labor or the commissioner's designee;

F. The administrator of the database or the administrator's designee; and

G. The Chief Executive Officer of the Finance Authority of Maine or the chief executive officer's designee.

3. Meetings. The task force may meet no more than 4 times per calendar year.

4. Chairs. 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.

5. Terms of appointment. Nonlegislative appointed members of the task force are appointed for terms of 3 years and may serve beyond their designated terms until their successors are appointed. Terms of appointment of Legislators coincide with their respective legislative terms of office.

6. Staffing. The Legislative Council shall provide staff support to the task force, except that the Legislative Council staff support is not authorized when the Legislature is in regular or special session. The Department of Education and the Department of Labor shall provide assistance and information to the task force as is consistent with the departments' current federal grants related to the work of the task force and to the extent time and funding allow as determined by the departments.

7. Duties. The task force shall:

A. Review procedures to maintain and disseminate information regarding the employment and earnings of graduates of postsecondary educational institutions in the State based on the database;

B. Advise on the use of the information provided in the database by state agencies, higher education organizations that have partnerships with the task force, local school systems and the public;

C. Make recommendations regarding the design and content of a website jointly hosted by the Department of Education and the Department of Labor that provides maximum information to the

public regarding higher education and employment;

D. Identify a viable long-term funding method to maintain the database;

E. Produce recommendations for the Department of Education regarding how to provide relevant, timely information to secondary school students who are making higher education decisions;

F. Address any issues that may arise from the use or impact of the database; and

G. Explore the feasibility of and possible methods for including data from the Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation regarding licensure, as well as data covering other workforce credentials, into the database.

8. Reports; legislation. The task force shall report to the joint standing committee of the Legislature having jurisdiction over education matters, the joint standing committee of the Legislature having jurisdiction over labor matters and the joint select or joint standing committee of the Legislature having jurisdiction over workforce training matters by November 1st each year on the status of the database. The reports must describe funding sources for the database and the sustainability of that funding, how the website under subsection 7, paragraph C is used, including by whom and how frequently they use it, efforts to incorporate its use into secondary schools and any other issues the task force determines necessary. The task force shall as part of its report recommend whether the task force should continue its work, or if its work could best be handled by another entity. If the task force recommends that the task force should continue its work, it shall recommend any suggested changes in the membership and size of the task force. The task force may submit with the reports legislation required to implement its recommendations.

Sec. 3. Lapsed balances; Legislature, General Fund account. Notwithstanding any other provision of law, the State Controller shall lapse \$2,500 from the All Other line category from the Legislature, General Fund account in the Legislature to the General Fund unappropriated surplus no later than June 30, 2015.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

LEGISLATURE

Legislature 0081

Initiative: Provides funding for the per diem and expenses of Legislators serving on the State Education and Employment Outcomes Task Force and other miscellaneous costs associated with the task force.

GENERAL FUND	2013-14	2014-15
Personal Services	\$0	\$880
All Other	\$0	\$1,620
GENERAL FUND TOTAL	\$0	\$2,500

See title page for effective date.

CHAPTER 594

S.P. 704 - L.D. 1776

An Act To Implement the Recommendations of the Commission To Study Long-term Care Facilities

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 people of the State of Maine need and deserve a variety of well-planned and financially stable long-term care services in home-based and community-based care settings and in nursing facilities in their communities; and

Whereas, in order to provide high-quality care to Maine's elderly and disabled persons in a dignified and professional manner that is sustainable into the future through a spectrum of long-term care services, prompt action is needed to correct chronic underfunding and to complete a thoughtful and thorough planning process; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §1708, sub-§3, as corrected by RR 2001, c. 2, Pt. A, §33 and amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

3. Compensation for nursing homes. A nursing home, as defined under section 1812-A, or any portion of a hospital or institution operated as a nursing home, when the State is liable for payment for care, must be reimbursed at a rate established by the Department of Health and Human Services pursuant to this subsection. The department may not establish a so-called "flat rate." This subsection applies to all funds, including federal funds, paid by any agency of the State to a