

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2012 to July 10, 2013

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 9, 2013

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

Augusta, Maine
2013

CHAPTER 24
H.P. 12 - L.D. 8

Resolve, Directing the Department of Health and Human Services To Provide Coverage under the MaineCare Program for Home Support Services for Adults with Intellectual Disabilities or Autistic Disorder

Sec. 1. Coverage for home support under the MaineCare program. Resolved: That the Department of Health and Human Services shall request approval from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to amend the Centers for Medicare and Medicaid Services waiver to allow the Department of Health and Human Services to amend the rules on the MaineCare program in Chapter 101, MaineCare Benefits Manual, Chapter II, Section 29 and Chapter III, Section 29 to add home support as a covered service. For the purposes of the waiver application, home support is direct support provided to a member in the member's home by a direct support professional to improve and maintain the member's ability to live as independently as possible in the member's home and primarily consists of habilitative training and assistance with self-care, personal development and well-being; and be it further

Sec. 2. Rulemaking. Resolved: Upon approval of a waiver amendment pursuant to section 1, the Department of Health and Human Services shall adopt rules to amend the rules on the MaineCare program in Chapter 101, MaineCare Benefits Manual, Chapter II, Section 29 and Chapter III, Section 29 to add home support as a covered service. Rules adopted pursuant to this section must maintain the cap for services at an annual aggregate amount of \$23,771 after the addition of home support as a covered service. Rules adopted pursuant to this section to amend Chapter II, Section 29 are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A. Rules adopted pursuant to this section to amend Chapter III, Section 29 are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 25
H.P. 263 - L.D. 388

Resolve, To Improve the Participation Rate of Prescribers in the Controlled Substances Prescription Monitoring Program

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, prescription drug abuse is a serious and increasing problem in this State; and

Whereas, the Controlled Substances Prescription Monitoring Program is an important tool in reducing the incidence of prescription drug addiction, and the work of developing a process to increase the registration of prescribers in the program must begin as soon as possible; 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. Substance Abuse Services Commission to develop process to increase prescriber participation and promote use. Resolved: That the Substance Abuse Services Commission, established in the Maine Revised Statutes, Title 5, section 12004-G, subsection 13-C and referred to in this resolve as "the commission," shall develop a process to increase prescriber participation in the Controlled Substances Prescription Monitoring Program, established in Title 22, section 7248 and referred to in this resolve as "the program," through professional licensing boards. The commission shall consult with the licensing boards of prescribers of controlled substances, the Department of Health and Human Services, Office of Substance Abuse and any other interested parties to develop a system that automatically enrolls prescribers in the program at the time of licensing or renewal of a license. The commission shall also develop strategies to promote the use of the program by prescribers; and be it further

Sec. 2. Report. Resolved: That the commission shall report its findings and recommendations pursuant to section 1, along with any suggested legislation, to the Joint Standing Committee on Health and Human Services by January 1, 2014.

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

Effective May 20, 2013.

CHAPTER 26

H.P. 481 - L.D. 689

Resolve, Directing the Maine Labor Relations Board To Convene a Task Force To Examine Compensation for the Panel of Mediators

Sec. 1. Compensation for the Panel of Mediators. Resolved: That the Maine Labor Relations Board shall convene a task force, inviting the participation of representatives of the public sector labor-management community and including members of the Panel of Mediators, to study the question of mediator compensation and its impact on the recruitment and retention of able labor mediators and the public sector collective bargaining process as a whole, and report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development by January 15, 2014 with recommendations and draft implementing legislation that would provide reasonable compensation for the members of the Panel of Mediators; and be it further

Sec. 2. Authority to report out legislation. Resolved: That the Joint Standing Committee on Labor, Commerce, Research and Economic Development may report out a bill to the Second Regular Session of the 126th Legislature related to the task force's recommendations submitted pursuant to section 1.

See title page for effective date.

CHAPTER 27

H.P. 601 - L.D. 850

Resolve, To Study the Issue of Inheritance of Digital Assets

Sec. 1. Review. Resolved: That the Probate and Trust Law Advisory Commission established under the Maine Revised Statutes, Title 5, section 12004-I, subsection 73-B shall conduct a review of the legal impediments to the disposition of digital assets upon an individual's death or incapacity and develop legislative recommendations based on the review. The Probate and Trust Law Advisory Commission shall invite the participation of interested parties in the review and in the development of recommendations. For purposes of this section, "digital assets" means electronically stored information, including but not

limited to writings, drawings, graphs, charts, photographs, sound recordings, images and other data or data compilations, stored in any medium from which information can be obtained; and be it further

Sec. 2. Report. Resolved: That the Probate and Trust Law Advisory Commission shall submit a report regarding the review under section 1 to the Joint Standing Committee on Judiciary no later than December 1, 2013, together with any necessary implementing legislation. The Joint Standing Committee on Judiciary is authorized to report out a bill based on the report to the Second Regular Session of the 126th Legislature.

See title page for effective date.

CHAPTER 28

S.P. 301 - L.D. 876

Resolve, To Establish a Working Group To Study Issues Relating to Broadband Infrastructure Deployment

Sec. 1. Working group to study issues relating to broadband infrastructure deployment. Resolved: That the ConnectME Authority, established in the Maine Revised Statutes, Title 35-A, section 9203 and referred to in this resolve as "the authority," shall convene a working group to identify technical, legal, funding and jurisdictional challenges to the deployment of broadband conduit for fiber-optic communications and to develop solutions necessary to achieve and facilitate the deployment of broadband infrastructure. The working group shall consider access to public facilities and rights-of-way for broadband conduit installation, particularly as rights-of-way are disturbed for infrastructure projects, including, but not limited to, road and bridge construction, reconstruction and maintenance. The working group shall develop policies focused on increasing coordination between government agencies, including, but not limited to, state and municipal entities, and utility companies to decrease the frequency of highway and local road excavation while expanding broadband capacity in the State; and be it further

Sec. 2. Participants. Resolved: That the authority shall invite the following to participate in the working group:

1. The chair of the Public Utilities Commission or the chair's designee;
2. The Chief Information Officer within the Department of Administrative and Financial Services or the officer's designee;
3. The Commissioner of Economic and Community Development or the commissioner's designee;