

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 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

all personal property located on that property, including vehicles, machinery, equipment and supplies;

2. Negotiate, draft, execute and deliver any documents necessary to settle any boundary line discrepancies;

3. Exercise, pursuant to the Maine Revised Statutes, Title 23, chapter 3, subchapter 3, the power of eminent domain to quiet for all time any possible challenges to ownership of the state property;

4. Negotiate, draft, execute and deliver any easements or other rights that, in the commissioner's discretion, may contribute to the value of a proposed sale or lease of the State's interests; and

5. Release any interests in the state property that, in the commissioner's discretion, do not contribute to the value of the remaining state property; and be it further

Sec. 2. Property interests that may be conveyed. Resolved: That the state property authorized to be sold or leased is:

1. A parcel or parcels of land and buildings, or any portion of the parcel or parcels of land and buildings, in the City of Bangor, comprising the site now or formerly known as the Bangor Mental Health Institute, occupied currently in part by the Dorothea Dix Psychiatric Center, and any associated land and parking areas as may be necessary in the determination of the Commissioner of Administrative and Financial Services, including, but not limited to, all or a portion of the properties described in deeds recorded in the Penobscot County Registry of Deeds: Book 601, Page 24; Book 601, Page 26; Book 601, Page 27; Book 11592, Page 296; and Book 11592, Page 302; and

2. A parcel or parcels of land and buildings, or any portion of the parcel or parcels of land and buildings, in the Town of Boothbay Harbor, now or formerly occupied by the Bigelow Laboratory for Ocean Sciences, and any associated land and parking areas as may be necessary in the determination of the Commissioner of Administrative and Financial Services, including, but not limited to, all or a portion of the properties described on the Town of Boothbay Harbor Tax Map 9, Lots 9 and 31; and be it further

Sec. 3. Property to be sold as is; list property. Resolved: That the Commissioner of Administrative and Financial Services may negotiate and execute leases and purchase and sale agreements upon terms the commissioner considers appropriate; however, the state property described in section 2 must be sold "as is," with no representations or warranties.

The commissioner may list the state property for sale or lease with private real estate brokers and negotiate any sales or leases, solicit bids, sell directly to purchasers or enter directly into leases with tenants. The commissioner may reject any offers.

Title must be transferred by quitclaim deed without covenant or release deed and executed by the commissioner; and be it further

Sec. 4. Exemptions. Resolved: That any lease or conveyance pursuant to this resolve is exempt from any statutory or regulatory requirement that the state property described in section 2 first be offered to the Maine State Housing Authority or another state or local agency; and be it further

Sec. 5. Proceeds. Resolved: That any proceeds from the sale or lease of the state property described in section 2 pursuant to this resolve must be deposited into the Department of Administrative and Financial Services, Bureau of General Services' capital repair and improvement account for capital improvements; and be it further

Sec. 6. Resolve 2011, c. 70, Pt. B, §7, amended. Resolved: That Resolve 2011, c. 70, Pt. B, §7, is amended to read:

Sec. B-7. Proceeds. Resolved: That any proceeds from sales pursuant to this Part must be deposited in the Maine State Housing Authority's Housing Opportunities for Maine Fund, established in the Maine Revised Statutes, Title 30 A, section 4853 Department of Administrative and Financial Services, Bureau of General Services' capital repair and improvement account for capital improvements as designated by the commissioner; and be it further

; and be it further

Sec. 7. Repeal. Resolved: That sections 1 to 5 of this resolve are repealed 5 years from the effective date of this resolve.

See title page for effective date.

**CHAPTER 54
H.P. 613 - L.D. 886**

Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting System for Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization

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 270: Uniform Reporting System for Quality Data Sets, a provisionally adopted major substantive rule of the Maine Health Data Organization 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 as follows.

1. In section 1, the definitions are deleted for "angiotensin converting enzyme inhibitor," "aspirin," "discharge instructions," "left ventricular function assessment," "left ventricular systolic dysfunction," "oxygenation assessment," "percutaneous coronary intervention" and "thrombolytic/fibrinolytic agent," and a definition is added for "measure steward."

2. In section 2, language is added identifying the federal Centers for Medicare and Medicaid Services as the measure steward, and reference to the Maine Health Data Organization website is deleted.

3. In section 3, the following changes are made:

A. Language is added identifying the National Healthcare Safety Network as the measure steward and exempting certain hospitals from submitting central line catheter-associated blood stream infection rates, and language is deleted referring to a former source document and the Maine Health Data Organization website;

B. For hospital-acquired infections 3, 4 and 5, language is added identifying the Institute for Healthcare Improvement as the measure steward and reference to the Maine Health Data Organization website is deleted;

C. Language is added identifying the National Healthcare Safety Network as the measure steward for methicillin-resistant *Staphylococcus Aureus*;

D. Language is added identifying the National Healthcare Safety Network as the measure steward for *Clostridium difficile* laboratory-identified events and providing the Maine Health Data Organization access to the National Healthcare Safety Network for facility-specific reports of

Clostridium difficile laboratory-identified events; and

E. Language is added limiting the requirements of hospitals to participating hospitals.

4. In section 4, language is added identifying the Joint Commission on Accreditation of Healthcare Organizations as the measure steward for nursing-sensitive patient-centered health care outcome measures 1 and 4 and the American Nurses Association as the measure steward for nursing-sensitive patient-centered health care outcome measures 2 and 3, and language is added clarifying the source documents for National Database for Nursing Quality Indicators, Guidelines for Data Collection and the Joint Commission on Accreditation of Healthcare Organizations Implementation Guide for the National Quality Forum Endorsed Nursing Sensitive Care Measure Set.

5. In section 5, language is deleted that refers to the National Quality Forum consensus standards and the Maine Health Data Organization website; language is added identifying the American Nurses Association as the measure steward for nursing-sensitive system-centered health care measures 1 to 6; language is added identifying the Joint Commission on Accreditation of Healthcare Organizations as the measure steward for nursing-sensitive system-centered health care outcome measures 7a and 7b; and language is added to identify 2 source documents, the National Database for Nursing Quality Indicators, Guidelines for Data Collection on the American Nurses Association's National Quality Forum Endorsed Measures and the Joint Commission on Accreditation of Healthcare Organizations Implementation Guide for the National Quality Forum Endorsed Nursing Sensitive Care Measure Set.

6. In section 6, language is added identifying the federal Centers for Medicare and Medicaid Services as the measure steward and citing the source document as the Consumer Assessment of Healthcare Providers and Systems Hospital Survey Quality Assurance Guidelines, Version 8, and replacing the 3 questions for which hospitals or their agents must report the individual survey question raw scores by respondent.

7. In section 8, language is added to correct an error in the reference to the most current version of the National Database for Nursing Quality Indicators, Guidelines for Data Collection and the Joint Commission on Accreditation of Healthcare Organizations Implementation Guide for the National Quality Forum Endorsed Nursing Sensitive Care Measure Set and language is deleted with regard to that error.

8. At the end of the rule, language is added to require the continuation of data collection when a measure steward announces a modification to a measure required under Chapter 270.

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

Effective June 14, 2013.

CHAPTER 55

S.P. 215 - L.D. 625

Resolve, Regarding Temporary Campgrounds

Sec. 1. Temporary campgrounds. Resolved: That the Department of Health and Human Services, Maine Center for Disease Control and Prevention's division of environmental health shall review the regulation of camping on premises on which the owner is hosting an event when that camping is temporary in nature and open only to participants and spectators of the event. The department shall report the results of its review and any recommended legislation or rulemaking to the Joint Standing Committee on Health and Human Services by January 1, 2014.

See title page for effective date.

CHAPTER 56

H.P. 1100 - L.D. 1527

Resolve, Authorizing the Department of Agriculture, Conservation and Forestry, Division of Parks and Public Lands To Convey Certain Lands and Enter into Certain Leases with the Federal Government

Preamble. The Constitution of Maine, Article IX, Section 23 requires that real estate held by the State for conservation or recreation purposes may not be reduced or its uses substantially altered except on the vote of 2/3 of all members elected to each House.

Whereas, certain real estate authorized for conveyance by this resolve is under the designations described in the Maine Revised Statutes, Title 12, section 598-A; and

Whereas, the Director of the Division of Parks and Public Lands within the Department of Agriculture, Conservation and Forestry may lease public reserved lands to the Federal Government with the approval of the Legislature in accordance with the Maine Revised Statutes, Title 12, section 1852, subsection 7; and

Whereas, the Director of the Division of Parks and Public Lands within the Department of Agriculture, Conservation and Forestry may sell lands with the approval of the Legislature in accordance with the Maine Revised Statutes, Title 5, section 6209, subsection 6 and Title 12, section 1814 and section 1851, subsections 1 and 2; now, therefore, be it

Sec. 1. Director of Division of Parks and Public Lands authorized, but not directed, to lease certain land within the Coburn Mountain public reserved lands in Upper Enchanted Township, Somerset County. Resolved: That the Director of the Division of Parks and Public Lands within the Department of Agriculture, Conservation and Forestry may lease, on such terms and conditions as the director may direct, certain rights and lands within the Coburn Mountain public reserved lands in Upper Enchanted Township, Somerset County to the United States Government or the United States Customs and Border Protection. The lease is limited to the rights to maintain, operate, expand, modernize and improve existing public safety communications facilities located within the Coburn Mountain public reserved lands, including access rights necessary to service such facilities; and be it further

Sec. 2. Director of Division of Parks and Public Lands authorized, but not directed, to convey certain land in Dover-Foxcroft, Piscataquis County. Resolved: That the Director of the Division of Parks and Public Lands within the Department of Agriculture, Conservation and Forestry may by quitclaim deed without covenant convey for appraised fair market value and other compensation and on such other terms and conditions as the director may direct 2 parcels of land, one totaling approximately .44 acre and one totaling approximately .018 acre, to an abutter, Dead River Company. The 2 parcels to be conveyed are a portion of the state-owned Newport to Dover-Foxcroft recreational rail trail corridor and associated sidings. The purpose of this conveyance is to resolve a boundary issue; and be it further

Sec. 3. Director of Division of Parks and Public Lands authorized, but not directed, to convey certain land in Dover-Foxcroft, Piscataquis County. Resolved: That the Director of the Division of Parks and Public Lands within the Department of Agriculture, Conservation and Forestry may by quitclaim deed without covenant convey for appraised fair market value and other compensation and on such other terms and conditions as the director may direct a parcel of land totaling approximately .17 acre to an abutter, McKusick Petroleum Company. The parcel to be conveyed is a .17-acre portion of the state-owned Newport to Dover-Foxcroft recreational rail trail corridor and associated sidings. The purpose of this conveyance is to resolve a boundary issue; and be it further