

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

Augusta, Maine
2013

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

Sec. 4. Director of Division of Parks and Public Lands authorized, but not directed, to convey certain land in Adamstown Township, Oxford 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 an appraised fair market value that is the higher of 2 appraisals or the highest of more than 2 appraisals and on such other terms and conditions as the director may direct certain lots or parcels of land, with a total of approximately 24 acres, to the West Richardson Pond Public Lot Association.

The parcels to be conveyed are located on a 24-acre lease lot subdivision portion of the Richardson Lake public reserved lands. The 12 lots are on the southwestern shoreline of West Richardson Pond and extend from the Lincoln Plantation and Adamstown Township town line south to Route 16 and are also located between the Richardson Lake public reserved lands access road and the shoreline of West Richardson Pond. The parcels are currently leased to 10 camp lot lessees who are members of the West Richardson Pond Public Lot Association. To ensure that the State retains public access to West Richardson Pond, the director may not convey ownership of Lot 4-W as depicted on the Richardson Pond cottage lots plan developed by Seven Islands Land Company.

See title page for effective date.

CHAPTER 57

H.P. 580 - L.D. 829

Resolve, To Continue the Redesign of Shared Living Services for Adults with Intellectual Disabilities or Autism

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

Whereas, shared living is an appropriate and cost-effective option for many adults with cognitive or intellectual disabilities or autism; and

Whereas, the Department of Health and Human Services began redesign efforts for its shared living program July 1, 2010 and booked savings in this program; and

Whereas, the initial redesign has occurred and actions to clarify the respective roles of administering agencies, host families and department employees have occurred; and

Whereas, substantial portions of the redesign remain unresolved or not implemented; and

Whereas, residential supports for over 450 individuals with intellectual disabilities or autism are critical services that require additional redefinition; 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. Redesign. Resolved: That the Department of Health and Human Services shall continue the redesign of its shared living program that began July 1, 2010 with the stakeholder group that was established by the Commissioner of Health and Human Services. The redesign work must include the following:

1. Analysis of the efficacy and appropriateness of host families becoming providers of record under rules of the MaineCare program and clarification of host families being defined as employees or independent contractors;
2. Review of planned allocation of responsibilities that took effect October 1, 2010 and proper implementation of assigned tasks and responsibilities among host home providers, oversight agencies and case managers for the department;
3. Development of acuity-based reimbursement systems for host home providers and oversight agencies that are within the limits of existing resources and that reflect the intensity of supports required by individuals and host home providers based on an objective needs assessment process;
4. Amendment of the rules regarding the MaineCare program home and community waiver to include a clear definition of shared living services and assigned tasks and responsibilities; and
5. A report to the Joint Standing Committee on Health and Human Services on progress with the shared living program redesign by January 15, 2014.

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

Effective June 19, 2013.
