

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 58
S.P. 44 - L.D. 123**

**Resolve, Directing the
Department of Health and
Human Services To Clarify the
Processes Regarding
Registration of Recovery
Agencies for Tissue and Organ
Donation**

Sec. 1. Department of Health and Human Services to clarify processes regarding registration of recovery agencies. Resolved: That the Department of Health and Human Services, Maine Center for Disease Control and Prevention, referred to in this resolve as "the department," shall examine the current processes for the registration of recovery agencies engaged in tissue and organ donation and determine if the current policies and processes of the office of the Chief Medical Examiner within the Office of the Attorney General and the department meet the statutory requirements under the Revised Uniform Anatomical Gift Act. The department shall consult with the office of the Chief Medical Examiner; the office within the Department of the Secretary of State that issues driver's licenses; the coordinator of the Maine Organ Donor Registry within the office of the Secretary of State; the Organ Donation Advisory Council; the New England Organ Bank; and other interested parties including funeral directors. The department shall report its findings, recommendations and any suggested legislation to the Joint Standing Committee on Health and Human Services no later than January 1, 2014.

See title page for effective date.

**CHAPTER 59
H.P. 129 - L.D. 154**

**Resolve, Directing the
Department of Transportation
To Convene a Task Force To
Study Issues Concerning
Private Railroad Crossings**

Sec. 1. Task force; study. Resolved: That the Department of Transportation shall convene a task force to study issues concerning private railroad crossings throughout the State. The study must include at a minimum questions about private railroad crossings concerning liability, maintenance fees, license fees and public safety. The department shall invite the participation of no more than 2 representatives of each of the following: owners of property accessible only by private railroad crossings; railroad companies operating

in this State; owners of railroad tracks subject to private railroad crossings, including the State; the Small Woodlot Owners Association of Maine; the Maine Forest Products Council; the Office of the Attorney General; and the Maine Trial Lawyers Association to represent the interests of members of the public who could be affected by limitations of liability. The task force shall review activities in other states to address the same issues. The department shall keep the members of the Joint Standing Committee on Judiciary informed about scheduled meetings of the task force; and be it further

Sec. 2. Report; legislation. Resolved: That the task force shall report on the results of its study under section 1 to the Department of Transportation. The department shall report the task force's findings and recommendations to the Joint Standing Committee on Judiciary no later than February 1, 2014. The Joint Standing Committee on Judiciary may report out a bill to the Second Regular Session of the 126th Legislature upon receiving the report; and be it further

Sec. 3. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

**TRANSPORTATION, DEPARTMENT OF
Multimodal - Freight 0350**

Initiative: Provides one-time funding to convene a task force to study issues related to private railroad crossings.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	\$25,000	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$25,000	\$0

See title page for effective date.

**CHAPTER 60
H.P. 554 - L.D. 803**

**Resolve, Requiring the
Department of Health and
Human Services To Amend the
Rules Regarding Child Care
Facilities and Family Child
Care Providers**

Sec. 1. Department of Health and Human Services to amend rules regarding child care facilities and rules regarding family child care providers. Resolved: That the Department of Health and Human Services shall amend its rules by

February 1, 2014 to authorize both licensed child care facilities and certified family child care providers to allow the use of cloth diapers for any child rather than only for those children with a medical reason that requires the use of cloth diapers. The rules must require a parent or guardian to provide clean diapers for the child and require a licensed child care facility or certified family child care provider that uses a cloth diaper upon the request of a parent or guardian to comply with diapering guidelines available from the Division of Licensing and Regulatory Services within the department, place soiled cloth diapers in a sealed bag or container and return the soiled diapers to the parent. Rules adopted under this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 61

H.P. 633 - L.D. 909

**Resolve, To Establish
MaineCare Eligibility for
Parents Participating in
Reunification Activities**

Sec. 1. Reunification activities eligibility. Resolved: That the Department of Health and Human Services shall submit to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services an application for a waiver under the Medicaid program to cover parents who are MaineCare members or are eligible to be MaineCare members who are participating in rehabilitation and reunification activities in accordance with a rehabilitation and reunification plan developed pursuant to the Maine Revised Statutes, Title 22, section 4041. Under the waiver, the department shall make coverage available to the parent of a child who has been removed from the home of a parent pursuant to Title 22, section 4036-B until either the department determines that the parent is no longer participating in the rehabilitation and reunification plan as required by the plan or parental rights have been terminated pursuant to Title 22, section 4056, whichever event happens first.

See title page for effective date.

CHAPTER 62
S.P. 366 - L.D. 1084

**Resolve, Directing the
Androscoggin County
Commissioners To Make
Changes to the Androscoggin
County Charter**

Sec. 1. Androscoggin County Commissioners to make changes to the Androscoggin County charter. Resolved: That, notwithstanding the Maine Revised Statutes, Title 30-A, section 1324, the Androscoggin County Commissioners are directed to make the following changes to the Androscoggin County charter.

1. The charter must be amended in section 2.2 to add language that allows the board to arrange by contract to have functions of one or more municipalities, the State, federal agencies, special districts or public or private entities to be transferred to and be performed by the county.

2. The charter must be amended in section 3.1 to indicate that new commissioners elected take office January 1, 2015, except that a commissioner elected prior to the establishment of the new commissioner districts serves the remainder of that commissioner's term representing the commissioner district that contains that commissioner's place of residence; to eliminate the subsection establishing a special election for transitional terms; and to provide that, beginning January 1, 2015, terms of the commissioners are for 4 years, except that commissioners originally elected for terms extending beyond December 31, 2013 serve the balance of their terms, and one newly elected commissioner in district 2, 4 or 6 serves a transitional term of 2 years and commissioners elected to succeed those 3 serve 4-year terms.

3. The charter must be amended in subsection 5.5.3 to provide that the budget committee only approves a final proposed budget to be submitted to the board for its approval, rather than adopting a final budget that is transmitted to the board.

4. The charter must be amended in subsection 5.5.4 to give the board the authority to modify the proposed budget and to adopt the final budget and to require the board to vote to adopt the final budget.

See title page for effective date.
