

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

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
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tions on appropriate prescribing of certain medications for children with attention deficit hyperactivity disorder. The review must focus on stimulants and other medications with an indication from the United States Department of Health and Human Services, United States Food and Drug Administration for the treatment of children with attention deficit hyperactivity disorder and on their reimbursement through the MaineCare program.

1. The tasks of the work group include, but are not limited to, the following:

A. Gathering and reviewing data on the use of stimulant medications in children, including the diagnoses for which the drugs are prescribed and typical lengths of time that children receiving services from the Department of Health and Human Services or Child Development Services System through the Department of Education or the MaineCare program are prescribed stimulant medications;

B. Comparing the use of stimulant medications in the MaineCare and non-MaineCare populations and the costs of those medications;

C. Reviewing approaches that support prescribers in achieving evidence-based prescribing and monitoring practices, including academic detailing and telemedicine, and the work being done by the child psychiatry access program and the consultation project of the Maine Academy of Family Physicians and the Maine Association of Psychiatric Physicians;

D. Identifying methods of reimbursement and sources of funding, including grant funding and federal funding, to increase access to psychiatric services and reduce barriers to services; and

E. Making any recommendations for improvements in access to behavioral health and psychiatric services and in prescribing practices as determined to be appropriate by the work group.

2. The commissioner shall appoint as chair the person who serves as chair of the psychiatric work group of the MaineCare drug utilization review committee. The chair shall appoint the members. The work group must include key state employees, including representatives of the office within the Department of Health and Human Services providing MaineCare services and private sector stakeholders. The chair shall seek members of the public who are interested in the subject matter of the work group and members from the following entities and organizations: Goold Health Systems, the Maine Association of Psychiatric Physicians, the Maine Council on Child and Adolescent Psychiatry, the Maine Psychological Association, the Maine Children's Alliance, the Maine Developmental Disabilities Council and the academic detailing advisory committee convened by the Maine Medical

Association and the Department of Health and Human Services. The chair shall notify members of the Joint Standing Committee on Health and Human Services of the location, date and time of each meeting so that members may attend voluntarily and without reimbursement. The Department of Health and Human Services shall fund the work of the work group from within existing resources.

3. The Department of Health and Human Services shall report on the findings and recommendations of the work group by January 15, 2014 to the Joint Standing Committee on Health and Human Services.

See title page for effective date.

CHAPTER 69

H.P. 284 - L.D. 409

**Resolve, To Establish a
Veteran-to-farmer Training
Pilot Program**

Sec. 1. Veteran-to-farmer training pilot program. Resolved: That the Department of Agriculture, Conservation and Forestry and the University of Maine Cooperative Extension, in consultation with the agriculture program at Kennebec Valley Community College, the Maine Apprenticeship Program in the Department of Labor, the Finance Authority of Maine and the Department of Defense, Veterans and Emergency Management, Bureau of Veterans' Services, shall design a veteran-to-farmer training pilot program to enable veterans of the Armed Forces of the United States to develop necessary skills in farming while also addressing the difficulties some veterans face in their transition back to civilian life after military service. The pilot program designed under this resolve must:

1. Use existing programs and resources to the extent possible;

2. Establish a certificate program that provides a hands-on farming skills training curriculum, classroom-based business training, business start-up support and health monitoring for veterans; and

3. Enable veterans, upon completion of the certificate program under subsection 2, to create new farm businesses and to meet the requirements to acquire the leases and loans needed to farm.

After its design, the curriculum for the pilot program must be submitted to the United States Department of Veterans Affairs for approval in order to allow eligible veterans to use education benefits available pursuant to the federal Servicemen's Readjustment Act of 1944, as amended, for participation in the certificate program; and be it further

Sec. 2. Report. Resolved: That the Department of Agriculture, Conservation and Forestry and the University of Maine Cooperative Extension shall jointly submit a report, including findings and recommendations, on the pilot program designed under section 1 to the Joint Standing Committee on Education and Cultural Affairs no later than January 10, 2014. The joint standing committee may report out a bill related to the report to the Second Regular Session of the 126th Legislature.

See title page for effective date.

**CHAPTER 70
H.P. 828 - L.D. 1184**

**Resolve, Requiring
Rulemaking Regarding Special
Education Requirements and
Review of School
Administrative Units That Do
Not Operate Any Schools**

Sec. 1. Department of Education to adopt rules. Resolved: That the Department of Education shall amend its rules governing special education to establish a process for the department to review sending school units with respect to children with disabilities who reside within the sending school units who attend receiving schools. As used in this resolve, "sending school unit" means a school administrative unit that does not own, lease or otherwise operate any school. As used in this resolve, "receiving school" means a school administrative unit or private school that receives students from a sending school unit. The process must include:

1. A requirement that the department contact the superintendent of the sending school unit under review to request a list of students with disabilities and the receiving school each student attends;
2. A requirement that the department request the receiving school to submit information to the department in connection with the students who are from the sending school unit that is under review. The information must include, but is not limited to, individualized education programs, written notices, advanced written notices and evaluations. The rules must require the receiving school to submit the information requested by the department;
3. A method for the department to audit the information submitted by the receiving school and a procedure for the department to issue letters of findings and corrective action plans to the superintendent of the sending school unit. The rules must also include a requirement that the department send copies of letters of findings and corrective action plans to the

person in charge of special services for the receiving school;

4. A requirement that the sending school unit under review submit letters to the department indicating the sending school unit has authorized the receiving school to commit resources on behalf of the sending school unit and in furtherance of the sending school unit's policies for child find and referral as set forth in federal law; and

5. A requirement that the sending school unit under review recognize its responsibility for providing free appropriate public education and confirmation from the sending school unit that it will work with the receiving school to correct any findings outlined in letters of findings and corrective action plans.

Rules adopted pursuant to this section are major substantive rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

**CHAPTER 71
S.P. 509 - L.D. 1415**

**Resolve, To Amend the Rules
Governing Events at Clubs
with a License To Sell Alcohol
for On-premises Consumption
with Catering Privileges**

Sec. 1. Department of Public Safety to amend rules governing events at clubs licensed for on-premises consumption of alcohol. Resolved: That the Department of Public Safety shall amend its rules to allow a group holding an event at a club licensed for on-premises consumption of alcohol with catering privileges to sell tickets at the door to members of that group at the time of the event as long as the membership can be verified. The rules must include a requirement that the licensee submit semiannual reports listing all events held by groups at the licensed club, the number of group members who attended each event and how many tickets to each event were sold in advance; and be it further

Sec. 2. Events held at clubs licensed for on-premises consumption of alcohol; report. Resolved: That, by February 1, 2015, the division within the Department of Public Safety designated by the Commissioner of Public Safety to enforce the law relating to the manufacture, importation, storage, transportation and sale of all liquor and to administer those laws relating to licensing and collection of taxes on malt liquor and wine shall submit a report to the joint standing committee of the Legislature having jurisdiction over alcohol matters regarding reports received from clubs licensed for on-premises con-