

# 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.**

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**Augusta, Maine**  
**2013**

sumption of alcohol with catering privileges submitted as required by rule and information about any enforcement or compliance issues related to events held by groups at these licensed clubs.

See title page for effective date.

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## CHAPTER 72

### H.P. 833 - L.D. 1189

#### Resolve, Regarding Implementation of Cost-of-living Increases for Nursing Facilities

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

**Whereas**, Public Law 2011, chapter 411 requires that funds received from an increased provider tax be applied to provide cost-of-living reimbursement to nursing homes and to medical and remedial private nonmedical institutions in accordance with rules adopted by the Department of Health and Human Services; and

**Whereas**, this legislation specifies that for the first year such an adjustment is made, reimbursement may be made to facilities that provided a cost-of-living increase to its frontline employees in certain prior years; and

**Whereas**, in order to ensure this legislation is enacted in sufficient time to apply to the first year such an adjustment is made, it must be enacted as an emergency measure; 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. Cost-of-living adjustment rules for fiscal year ending 2012. Resolved:** That the Department of Health and Human Services shall amend its rules regarding the cost-of-living adjustment required pursuant to the Maine Revised Statutes, Title 22, section 1708, subsection 3, paragraph E as provided in this section. The rules must contain an annual inflation adjustment that, with regard to the cost-of-living adjustment for a nursing facility for its fiscal year ending in 2012, if the nursing facility would receive a downward adjustment in its otherwise applicable cost-of-living adjustment effective October 1, 2011 as a result of a finding by the department that it did not provide a wage increase to frontline employees as required by rule. The rules must provide for full pay-

ment if the nursing facility demonstrates to the satisfaction of the department by its first fiscal year ending after July 1, 2013 that the facility granted an equivalent wage increase since the previous cost-of-living adjustment. This section applies only to the extent approved by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services. Notwithstanding any provision of law to the contrary, the rules may be adopted on an emergency basis. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

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

Effective June 28, 2013.

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## CHAPTER 73

### H.P. 552 - L.D. 801

#### Resolve, To Extend the Deadline for the Department of Health and Human Services To Submit a Report on Persons 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**, the Maine Revised Statutes, Title 34-B, section 5003-A, subsection 3 requires the Department of Health and Human Services to submit the 2013 system of care plan for persons with intellectual disabilities or autism; and

**Whereas**, the plan must be prepared once every 2 years no later than January 15th; and

**Whereas**, the Department of Health and Human Services needs additional time to fulfill the requirements of the Maine Revised Statutes, Title 34-B, section 5003-A, subsection 3; 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. Date extension. Resolved:** That the deadline for the Department of Health and Human Services to submit its 2013 system of care plan for persons with intellectual disabilities or autism as described in the Maine Revised Statutes, Title 34-B, sec-

tion 5003-A, subsection 3 is extended to December 15, 2013; and be it further

**Sec. 2. Report. Resolved:** That the Joint Standing Committee on Health and Human Services may submit a bill based on the report in section 1 to the Second Regular Session of the 126th Legislature; and be it further

**Sec. 3. Retroactivity. Resolved:** That this resolve is retroactive to January 15, 2013.

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

Effective July 2, 2013.

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**CHAPTER 74**  
**S.P. 322 - L.D. 944**

**Resolve, To Review the Impact  
of Unfunded Education  
Mandates and Evaluate the  
Efficacy of Education Laws**

**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 enactment of unfunded education mandates and other provisions of federal and state education laws may result in adverse fiscal effects on school administrative units in the State, which are obligated to implement the new federal or state requirements without receiving the funding necessary to do so; and

**Whereas,** the economic consequences of the recent economic recession have reduced the amount of Federal Government and State Government revenues that are available to support the operations of public schools in the State and have affected the ability of local property taxpayers to bear the financial burden of unfunded education mandates on school administrative units in the State; and

**Whereas,** the Department of Education and the task force proposed by this resolve must begin their work as soon as possible in order to recommend legislation to repeal or modify education provisions that are archaic or unnecessary, lack a significant public purpose, require a disproportionate financial effort for the intended public policy benefit or result in adverse effects on school administrative units and career and technical regions in the State; 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 preserva-

tion of the public peace, health and safety; now, therefore, be it

**Sec. 1. Department of Education to review unfunded education mandates. Resolved:** That the Department of Education shall conduct an analysis of the efficacy of current education laws and the impact of unfunded education mandates and other regulatory burdens on school administrative units and career and technical regions in the State. The department's analysis must include a summary of recent research and surveys conducted by state officials and pursuant to legislative studies and education stakeholder groups, including an up-to-date list that identifies unfunded or underfunded federal or state education mandates, regulatory burdens and other education requirements that lack a significant public purpose, require a disproportionate financial effort for the intended public policy benefit, result in adverse effects on school administrative units, are found to be archaic or unnecessary or are no longer considered to be a priority with respect to the evolving public education system in the State; and be it further

**Sec. 2. Commissioner of Education to convene review committee. Resolved:** That the Commissioner of Education shall convene a review committee to examine the list of unfunded education mandates, regulatory burdens and other education requirements identified under the Department of Education's analysis pursuant to section 1. The Commissioner of Education shall invite the following education stakeholder groups to appoint representatives to serve as members of the review committee:

1. The State Board of Education;
2. The Maine Education Association;
3. The Maine Principals' Association;
4. The Maine School Boards Association;
5. The Maine School Superintendents Association;
6. The Maine Association of School Business Officials;
7. The Maine Administrators of Career and Technical Education;
8. The Maine Administrators of Services for Children with Disabilities; and
9. The Maine Parent Teacher Association; and be it further

**Sec. 3. Review committee; duties. Resolved:** That the review committee convened under section 2 shall examine the analysis conducted by the Department of Education pursuant to section 1 and evaluate the items and issues contained in the list compiled by the department. The evaluation conducted