

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST SPECIAL SESSION
August 29, 2013

SECOND REGULAR SESSION
January 8, 2014 to May 2, 2014

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
EMERGENCY LAW IS
SEPTEMBER 6, 2013

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 1, 2014

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

Augusta, Maine
2014

Sec. 7. Final report. Resolved: That, no later than ~~December 4, 2013~~ January 15, 2015, the commissioner shall submit a report that includes the findings and recommendations of the task force, including suggested legislation to implement the recommendations, for presentation to the joint standing committee of the Legislature having jurisdiction over agriculture matters; and be it further

; and be it further

Sec. 2. Resolve 2011, c. 132, §8, amended. Resolved: That Resolve 2011, c. 132, §8 is amended to read:

Sec. 8. Authority to submit legislation. Resolved: That the joint standing committee of the Legislature having jurisdiction over agriculture matters may submit legislation pertaining to the Maine maple sugar industry to the ~~Second First~~ Regular Session of the ~~126th~~ 127th Legislature.

; and be it further

Sec. 3. Retroactivity. Resolved: That this resolve applies retroactively to December 4, 2013.

See title page for effective date.

CHAPTER 103

H.P. 1285 - L.D. 1793

Resolve, Regarding Legislative Review of Chapter 12: Rules for Mixed Martial Arts, a Late-filed Major Substantive Rule of the Combat Sports Authority of Maine

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 outside the legislative rule acceptance period; 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 Chapter 12: Rules for Mixed Martial Arts, a provisionally adopted major substantive rule of the Combat Sports Authority of Maine that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A outside the legislative rule acceptance period, is authorized.

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

Effective April 3, 2014.

CHAPTER 104

H.P. 1255 - L.D. 1748

Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97, Private Non-Medical Institution Services, a Major Substantive Rule of the Department of Health and Human Services

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 101: MaineCare Benefits Manual, Chapter III, Section 97, Private Non-Medical Institution Services, a provisionally adopted major substantive rule of the Department of Health and Human Services that has been submitted to the Legislature for review pursuant to the Maine Revised

Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective April 8, 2014.

CHAPTER 105

H.P. 1167 - L.D. 1596

Resolve, Directing the Department of Health and Human Services To Amend MaineCare Rules as They Pertain to the Delivery of Covered Services via Telecommunications Technology

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

Whereas, reviewing the availability of different methods of communication technology and implementing new rules on providing covered MaineCare services through telecommunication technology will contribute to improved health outcomes and more efficient MaineCare services; and

Whereas, providing for this legislation to take effect upon approval will contribute to expanding access to, and lowering the costs of delivering, health care as soon as possible; 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. Working group. Resolved: That the Department of Health and Human Services, referred to in this resolve as "the department," shall convene a working group to review the MaineCare rules regarding the definition of "telehealth" and the technologies used for provider-patient interaction involving MaineCare patients.

The Commissioner of Health and Human Services shall invite the participation of the following on the working group:

1. A representative of the Home Care and Hospice Alliance of Maine;
2. A representative of the Maine Hospital Association;

3. A representative of MaineHealth;
4. An independent business owner of a health care telecommunication technology;
5. A representative of the behavioral health telecommunication technology community;
6. A representative of an organization that advocates for persons with developmental disabilities;
7. Members of the department with expertise in MaineCare and professional certification; and
8. Any other interested parties.

The working group shall focus on telephonic and video communications and determine when communications that are not visual may be appropriate and sufficient; and be it further

Sec. 2. Amend MaineCare rules. Resolved: That the department shall amend its rules no later than October 1, 2014 regarding telehealth after the review of existing rules pursuant to section 1. Rules adopted pursuant to this resolve are routine technical rules as defined in the Maine Revised Statutes, 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 April 8, 2014.

CHAPTER 106

H.P. 1244 - L.D. 1738

Resolve, Concerning Maine's Involuntary Treatment and Involuntary Commitment Processes

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

Whereas, resources to respond to an individual who presents an emergency psychiatric situation at a hospital are currently inadequate; and

Whereas, hospitals currently face both practical and legal challenges in responding to individuals who arrive in emergency departments in need of psychiatric treatment when insufficient psychiatric beds are available; and

Whereas, the Legislature recognizes the necessity for remedies while protecting the rights of individuals and attempting to address their medical and psychiatric needs; and