

# 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.**

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**Augusta, Maine**  
**2014**

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

**Whereas**, the best solution involves the participation of all those interested in the judicial process concerning detention for emergency responses, involuntary treatment and involuntary commitment; and

**Whereas**, the Chief Justice of the Supreme Judicial Court has offered to convene a working group to examine the immediate and long-term needs and develop short-term and long-term solutions to improve the judicial involuntary commitment and treatment process; and

**Whereas**, it is imperative that this resolve take effect immediately so that the working group can complete its work in time for the committee of jurisdiction to submit legislation to the First Regular Session of the 127th Legislature; 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 convened. Resolved:** That, in accordance with the offer extended by the Chief Justice of the Supreme Judicial Court in her letter to the Joint Standing Committee on Judiciary dated March 3, 2014, the Chief Justice or the Chief Justice's designee shall convene a working group to review the current situation for both individuals and hospitals when individuals present emergency psychiatric needs in hospital emergency departments and to develop recommendations for addressing immediate and long-term needs of individuals, hospitals, psychiatric hospitals and health care providers. Specifically, the working group shall address the following issues:

1. The timing and length of preliminary and follow-up holding and commitment periods and requirements for involuntary treatment during such periods;
2. Process improvements for holding and commitment period determinations;
3. The current lack of health care providers available to address compliance with due process requirements and any procedural changes recommended by the working group; and
4. Any additional recommendations for improvement in the judicial commitment and involuntary treatment process; and be it further

**Sec. 2. Participants. Resolved:** That the Chief Justice of the Supreme Judicial Court or the Chief Justice's designee may invite the participation of the following in the working group convened under section 1:

1. A representative of an organization representing hospitals with emergency departments and hospitals with psychiatric units;

2. A representative of the Department of Health and Human Services;

3. Attorneys who represent patients in the judicial commitment process;

4. Disability rights advocates;

5. Medical and mental health professionals;

6. Mental health advocates;

7. Family advocates;

8. The Attorney General; and

9. Other interested parties; and be it further

**Sec. 3. Report. Resolved:** That the working group convened under section 1 shall submit a report of its findings and recommendations, including any legislative recommendations, by December 15, 2014 to the joint standing committee of the Legislature having jurisdiction over judiciary matters. The joint standing committee of the Legislature having jurisdiction over judiciary matters may report out legislation to the First Regular Session of the 127th Legislature to implement matters relating to the report.

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

Effective April 15, 2014.

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## CHAPTER 107

### S.P. 729 - L.D. 1819

#### Resolve, To Create the Task Force To End Student Hunger in 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**, Maine has a moral obligation to care for its most vulnerable citizens; and

**Whereas**, Maine ranks first in New England in food insecurity; and

**Whereas**, in past years, Maine has underutilized up to \$30,000,000 of federal funding that could have been used to provide meals to hungry students; and

**Whereas**, food insecurity has proven to have a negative impact on student health and learning; and

**Whereas**, the United States Department of Agriculture recently announced a nationwide expansion of its program known as the Community Eligibility Provision, which increases access to breakfast and lunch for all students in low-income areas; and