

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2014 to July 16, 2015

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 15, 2015

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

Augusta, Maine
2015

- A. A resident archery license is ~~\$25~~ \$26;
- B. A resident combination archery hunting and fishing license is ~~\$42~~ \$43;
- C. A nonresident archery license is ~~\$74~~ \$75; and
- D. An alien archery license is ~~\$84~~ \$85.

Sec. 4. 12 MRSA §11109, sub-§9, as amended by PL 2009, c. 213, Pt. OO, §5, is further amended to read:

9. Crossbow licenses and fees. Crossbow hunting licenses and fees are as follows:

- A. A resident crossbow hunting license is ~~\$25~~ \$26;
- B. A nonresident crossbow hunting license is ~~\$55~~ \$56; and
- C. An alien crossbow hunting license is ~~\$79~~ \$80.

Sec. 5. 12 MRSA §11109-A, sub-§5, as enacted by PL 2005, c. 477, §4, is amended to read:

5. Fee. The fee for a super pack license is ~~\$200~~ \$201 for residents and ~~\$175~~ \$176 for a person holding 2 or more lifetime licenses.

Sec. 6. 12 MRSA §12201, sub-§6, as amended by PL 2009, c. 213, Pt. OO, §9, is further amended to read:

6. Trapping fees. The fees for trapping licenses are as follows:

- A. A resident junior trapping license, for a person 10 years of age or older and under 16 years of age, is ~~\$9~~ \$10;
- B. A resident trapping license, for a person 16 years of age or older, is ~~\$35~~ \$36; and
- C. A nonresident trapping license is ~~\$317~~ \$318.

Sec. 7. Stakeholders group; 5-year public outreach campaign. The Commissioner of Inland Fisheries and Wildlife shall convene a stakeholders group to develop recommendations for a 5-year public outreach campaign for the Department of Inland Fisheries and Wildlife on the department's efforts to manage game species, including a plan for how money in the Species Management Education Fund under the Maine Revised Statutes, Title 12, section 10206, subsection 11 is to be used. The commissioner shall report on the recommendations of the stakeholders group, including any suggested legislation, to the Joint Standing Committee on Inland Fisheries and Wildlife by February 1, 2016. The joint standing committee may report out a bill regarding the commissioner's report to the Second Regular Session of the 127th Legislature.

See title page for effective date.

**CHAPTER 246
H.P. 655 - L.D. 952**

**An Act Regarding the
Licensure of Funeral Service
Providers**

**Be it enacted by the People of the State of
Maine as follows:**

Sec. 1. 32 MRSA §1501-B is enacted to read:

§1501-B. Temporary license

The board may issue a 6-month, nonrenewable temporary license to an applicant who pays the required fee and:

1. Active license. Holds an active license to practice funeral service in another state whose license requirements are substantially similar to the license requirements under this chapter and board rules; or

2. Continuous active practice. Has been in continuous active practice as a licensed practitioner of funeral service in another state whose license requirements are substantially similar to the requirements of the laws and rules of this State for 2 years immediately preceding submission of the application for temporary licensure.

Upon verification of the absence of disciplinary history with respect to the holder of a temporary license under this section from every jurisdiction where the holder of a temporary license is or previously has been licensed, the board may issue a permanent license to the holder of a temporary license upon notification by the board that the holder of a temporary license has passed an examination required by the board by rule. The board shall adopt routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A to carry out the provisions of this section.

See title page for effective date.

**CHAPTER 247
H.P. 718 - L.D. 1049**

**An Act To Further Define
Duties for Persons Who Hold
Powers of Attorney or Act as
Agents for Residents of
Long-term Care Facilities**

**Be it enacted by the People of the State of
Maine as follows:**

Sec. 1. 22 MRSA §1826, sub-§2, ¶I, as enacted by PL 1985, c. 291, §1, is amended to read:

- I. No contract or agreement may contain a provision ~~which~~ that provides for the payment of ~~attor-~~

neys' attorney's fees or any other cost of collecting payments from the resident, except that attorney's fees and costs may be collected against any agent under a power of attorney who breaches the agent's duties as set forth in section 1826-A or Title 18-A, section 5-914 or against a conservator appointed under Title 18-A, section 5-404 for breach of the conservator's duties.

Sec. 2. Department of Health and Human Services; standard admission contract; rule-making. The Department of Health and Human Services shall amend its rules Chapter 110: Regulations Governing the Licensing and Functioning of Skilled Nursing Facilities and Nursing Facilities and Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs to modify the standard admission contract for residents of nursing homes and assisted housing programs to provide enhanced notice of an agent's obligations relating to a resident's eligibility for MaineCare benefits and to the agent's filing an application for those benefits on the resident's behalf. The amendments to the rules must describe a nursing home's or assisted housing program's legal remedies if an agent fails to fulfill the agent's obligations with respect to a nursing home or assisted housing program resident's eligibility and application for MaineCare benefits. Modifications to the standard admission contract in accordance with this section must specify in substantially similar language that, by signing the standard admission contract, the resident of a nursing home or assisted housing program, the resident's agent and the nursing home or assisted housing program acknowledge the following obligations:

1. The nursing home or assisted housing program must explore whether the resident is financially eligible for MaineCare benefits and, if the resident is financially eligible, must refer the resident or the resident's agent to the appropriate regional office of the office for family independence within the Department of Health and Human Services for the purpose of filing an application for MaineCare benefits;

2. The nursing home or assisted housing program must timely request a MaineCare eligibility assessment on behalf of the resident by submitting a completed referral form to the department or its authorized agent when the nursing home or assisted housing program has reason to believe that the resident is financially eligible for MaineCare benefits;

3. The nursing home or assisted housing program must remind the resident or the resident's agent on a quarterly basis of the availability of MaineCare benefits when the nursing home or assisted housing program has reason to believe that the resident is financially eligible for such benefits. The nursing home or assisted housing program must document each quar-

terly reminder provided to the resident or the resident's agent;

4. The nursing home or assisted housing program must assist the resident or the resident's agent in completing and filing an application for MaineCare benefits;

5. The resident or the resident's agent must make timely payment to the nursing home or assisted housing program for the resident's care from the resident's resources that are available for that purpose;

6. The resident or the resident's agent must notify the nursing home or assisted housing program when the resident or the resident's agent has reason to believe that the resident is financially eligible for MaineCare benefits and must timely apply for MaineCare benefits and provide to the department all information necessary to support the resident's application; and

7. As an alternative to their obligation to file an application for MaineCare benefits, the resident or the resident's agent must authorize the nursing home or assisted housing program to file an application for MaineCare benefits on behalf of the resident and timely provide all necessary financial information to the nursing home or assisted housing program or provide the nursing home or assisted housing program with all authorizations necessary to secure this financial information, so that the nursing home or assisted housing program may complete the application process on behalf of the resident.

The standard admission contract must provide that, if the resident's agent fails in the agent's obligation to ensure that the nursing home or assisted housing program is timely paid for the costs of the resident's monthly care or fails to perform any of the agent's obligations described in the amended rule or otherwise required by law or rule, in addition to any other legal remedy the nursing home or assisted housing program may possess, the nursing home or assisted housing program may pursue a legal action against the agent in Probate Court or District Court for review of the agent's performance. In addition to any other relief that the nursing home or assisted housing program may request from the court under such action, it must also include a request for attorney's fees and costs.

Rules adopted pursuant to 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.