

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 6, 2016 to April 29, 2016**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 29, 2016**

**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**  
**2016**

report to the First Regular Session of the 128th Legislature.

See title page for effective date.

**CHAPTER 396**

**S.P. 574 - L.D. 1476**

**An Act To Improve the Law  
Concerning Carbon Monoxide  
Detectors**

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

**Whereas,** this legislation needs to take effect as soon as possible in order to minimize confusion and expense for building owners and educational facilities; 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 enacted by the People of the State of Maine as follows:**

**Sec. 1. 25 MRSA §2468, sub-§2, ¶A,** as amended by PL 2015, c. 375, §2 and affected by §5, is further amended to read:

A. Each unit in any building of multifamily occupancy; a fraternity house, sorority house or dormitory that is affiliated with an educational facility; a children's home, emergency children's shelter, children's residential care facility, shelter for homeless children or specialized children's home as defined in Title 22, section 8101; or a hotel, motel, inn or bed and breakfast licensed as an eating and lodging place or a lodging place under Title 22, chapter 562. The owner shall use a carbon monoxide detector that is powered by:

- (1) Both the electrical service in the building and a battery; ~~or~~
- (2) A nonreplaceable 10-year battery; or
- (3) A replaceable battery if the carbon monoxide detector uses a low-power radio frequency wireless communication signal, uses multiple sensors, has low-frequency audible notification capability or is connected to a control panel;

**Sec. 2. 25 MRSA §2468, sub-§11,** as enacted by PL 2015, c. 375, §3 and affected by §5, is amended to read:

**11. Educational facilities.** An educational facility shall install, or cause to be installed, by the manufacturer's requirements at least one approved carbon monoxide detector in each building of the educational facility that is used for educational purposes by at least 6 persons for at least 4 hours per day or more than 12 hours per week. The owner shall use a carbon monoxide detector that is powered by:

- A. Both the electrical service in the building and a battery; ~~or~~
- B. A nonreplaceable 10-year battery; ~~or~~
- C. A replaceable battery if the carbon monoxide detector uses a low-power radio frequency wireless communication signal, uses multiple sensors, has low-frequency audible notification capability or is connected to a control panel.

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

Effective March 16, 2016.

**CHAPTER 397**

**S.P. 586 - L.D. 1524**

**An Act To Update the Laws  
Governing the Maine Veterans'  
Homes**

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

**Sec. 1. 22 MRSA §1812-D,** as enacted by PL 1987, c. 830, §1 and amended by PL 2003, c. 689, Pt. B, §6, is repealed.

**Sec. 2. 22 MRSA §1867,** as repealed and replaced by PL 1993, c. 205, §1, is amended to read:

**§1867. Distance restriction on placement of  
Medicaid recipients**

The department may make Medicaid reimbursement for a nursing facility contingent on a maximum distance between a patient's home and the nursing facility if the maximum distance is not more than 60 miles; except that the distance restriction may not be applied to a ~~the~~ the Maine Veterans' ~~Home~~ Homes.

**Sec. 3. 37-B MRSA §509, sub-§2, ¶G,** as amended by PL 2015, c. 175, §3, is further amended to read:

G. The ~~administrator~~ chief executive officer of the Maine Veterans' ~~Home~~ Homes when in the conduct of official duties; or

**Sec. 4. 37-B MRSA §601,** as repealed and replaced by PL 2009, c. 652, Pt. A, §59, is amended to read:

**§601. Homes established; purpose**

There must be public homes for veterans in Maine known as "Maine Veterans' Homes." ~~In addition to the existing 120 bed home located in Augusta, a 120-bed home located in Scarborough, a home not to exceed 40 beds located in Caribou, a home located in Bangor not to exceed 120 beds, of which 40 beds are dedicated to patients with dementia, and a home located in South Paris not to exceed 90 beds, of which 30 beds are dedicated to patients with dementia, may be constructed if federal Veterans' Administration funds are available to meet part of the costs of each facility for construction or operation. In addition, a home located in Machias not to exceed 60 beds may be constructed if federal Veterans' Administration funds or funds from any other state, federal or private source are available to meet part of the costs of the facility for construction or operation, except that the Machias home may not begin operation prior to July 1, 1995 and the construction and funding of the Machias home may not in any way jeopardize the construction, funding or financial viability of any other home.~~ Homes" for the purpose of providing long-term care, support and related services to eligible veterans and family members of veterans. The Maine Veterans' Homes also are authorized to provide nonnursing facility care and services to Maine veterans if approved by appropriate state and federal authorities. ~~The Board of Trustees of the Maine Veterans' Homes shall plan and develop the Machias home and any non-nursing facility care and services using any funds available for that purpose, except for the Augusta facility's funded depreciation account.~~ The Maine Veterans' Homes are authorized to construct community-based outpatient clinics for Maine veterans in cooperation with the United States Department of Veterans Affairs and may construct and operate veterans hospice facilities, veterans housing facilities and other facilities authorized by the Board of Trustees of the Maine Veterans' Homes, using available funds. Any funds loaned to the Maine Veterans' Homes for operating purposes from the funded depreciation accounts of the Maine Veterans' Homes must be reimbursed from any funds received by the Maine Veterans' Homes and available for that purpose. The primary purpose of the Maine Veterans' Homes is to provide support and care for honorably discharged veterans who served on active duty in the United States Armed Forces or who served in the Reserves of the United States Armed Forces on active duty for other than training purposes.

**Sec. 5. 37-B MRSA §602, first ¶,** as enacted by PL 1983, c. 460, §3, is amended to read:

The Maine Veterans' Home Homes is a body corporate. In addition to other powers granted by this chapter, the Maine Veterans' Home Homes may:

**Sec. 6. 37-B MRSA §602, sub-§2,** as enacted by PL 1983, c. 460, §3, is amended to read:

**2. Acquire property.** Acquire, in the name of the home homes, real or personal property or any interest therein, including rights or easements, on either a temporary or long-term basis by gift, purchase, transfer, foreclosure, lease or otherwise;

**Sec. 7. 37-B MRSA §602, sub-§5,** as enacted by PL 1983, c. 460, §3, is amended to read:

**5. Receive bequests and donations.** Receive, on behalf of the State, bequests and donations that may be made to improve the general comfort and welfare of the members of the home homes or for the betterment of the home homes;

**Sec. 8. 37-B MRSA §602, sub-§6,** as amended by PL 1991, c. 702, §2, is further amended to read:

**6. Borrow funds.** Borrow funds, not in excess of ~~\$15,000,000~~ \$50,000,000 in the aggregate, make and issue bonds and negotiate notes and other evidences of indebtedness or obligations of the veterans' home homes for prudent and reasonable capital, operational and maintenance purposes. The home homes may secure payments of all or part of the obligations by pledge of part of the revenues or assets of the home homes that are available for pledge and that may be lawfully pledged or by mortgage of part, or all, of any property owned by the home homes. The home homes may do all lawful things necessary and incidental to those powers. The home homes may borrow money from the Federal Government and its agencies, from state agencies and from any other source. The home homes may borrow money from the State subject to approval by the Treasurer of State and the Governor. Bonds, notes and other evidences of indebtedness issued under this subsection ~~shall do not be deemed to~~ constitute debts of the State, nor a pledge of the credit of the State, but ~~shall be~~ are payable solely from the funds of the home homes; and

**Sec. 9. 37-B MRSA §602-A,** as enacted by PL 1987, c. 830, §2 and amended by PL 2003, c. 689, Pt. B, §6, is repealed.

**Sec. 10. 37-B MRSA §603,** as amended by PL 2001, c. 676, §1, is further amended to read:

**§603. Board of trustees**

The administration of the homes is vested in the Board of Trustees of the Maine Veterans' Homes, as authorized by Title 5, section 12004-G, subsection 34. The board consists of 11 members, one of whom must be the Director of the Bureau of Maine Veterans' Services, ex officio, who serves without term. The Governor shall appoint the remaining trustees, who must be honorably discharged ~~war~~ veterans. One member must be a woman. One member must be appointed from and represent each of the largest veterans' organizations, not exceeding 5, that are nationally chartered and have a department in Maine. The remaining

members must be appointed at large and serve staggered 3-year terms. The membership must be distributed across the State so that approximately 1/3 reside in the southern part of the State, approximately 1/3 in the central part and approximately 1/3 in the northern part. In the event of a vacancy, a successor must be appointed to complete a member's unexpired term. Each trustee continues to hold office until a successor is appointed and qualified.

**Sec. 11. 37-B MRSA §604, sub-§5**, as enacted by PL 1983, c. 460, §3, is amended to read:

**5. Appointment of chief executive officer.** The board shall appoint ~~an administrator~~ a chief executive officer in accordance with section 606.

**Sec. 12. 37-B MRSA §604, sub-§§6 and 7**, as enacted by PL 1983, c. 460, §3, are amended to read:

**6. Other funds.** The board may apply for and receive any grants-in-aid for which the State or the ~~home homes~~ may be eligible.

**7. Rules.** The board shall adopt rules necessary to administer the ~~home homes~~, to establish just charges for the maintenance of members and to oversee the operation of the ~~home homes~~. In adopting rules, the board shall seek comments and information from ~~home staff of the homes~~, members, members' families and other relevant sources, but the Maine Administrative Procedure Act provisions regarding rulemaking, Title 5, chapter 375, ~~subchapter H subchapters 2 and 2-A~~, shall do not apply.

**Sec. 13. 37-B MRSA §606**, as amended by PL 1997, c. 147, §1, is further amended to read:

**§606. Chief executive officer**

The ~~administrator~~ chief executive officer must be an honorably discharged veteran who shall administer the ~~home homes~~ in accordance with the rules, guidelines and general policies established by the board. The ~~administrator~~ chief executive officer serves an indefinite term, but may be removed for cause by the board. The ~~administrator's~~ chief executive officer's salary is set by the board. The ~~administrator~~ chief executive officer shall hire the necessary employees to operate the ~~home homes~~ and, whenever possible, give preference in hiring to ~~war~~ veterans. These employees are not deemed employees of the State.

**Sec. 14. 37-B MRSA §607**, as amended by PL 1997, c. 395, Pt. P, §2, is further amended to read:

**§607. Admission**

Veterans desiring admission to the ~~home homes~~ must apply on forms prescribed by the ~~administrator~~ chief executive officer. The ~~administrator~~ chief executive officer shall grant admission only to veterans who were residents of Maine at the time of their entry into the United States Armed Forces or who are residents

of Maine at the time of application, and to the spouses, widows or widowers of eligible veterans, ~~provided that~~ as long as suitable facilities are available. Parents of armed services members who are killed in action or die as a consequence of wounds received in battle are also eligible, as ~~so-called~~ so-called "gold star" parents, for admission. Admission must be granted when provisions of the rules governing private payment, Medicare and Medicaid eligibility to entitled persons are met.

**Sec. 15. 37-B MRSA §608**, as enacted by PL 1983, c. 460, §3, is repealed.

**Sec. 16. 37-B MRSA §610, first ¶**, as amended by PL 1997, c. 395, Pt. P, §4 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

All funds received by the Maine Veterans' ~~Home Homes~~, including federal Veterans' Administration stipend funds, must be held in a permanent fund to be used as required by the ~~administrator~~ chief executive officer for the support and maintenance of the homes. A percentage of these funds approved by the board of trustees must be placed in reserve for capital improvement expenditures. The board of trustees shall operate the homes, when constructed, as self-liquidating projects until all the bonds issued as provided by this chapter are retired. ~~Any funds received in excess of that necessary for the support and maintenance of the homes, the capital reserve fund and funds necessary for retirement of any outstanding bonds or indebtedness as those payments become due at the end of each fiscal year must be transferred to the Treasurer of State where they are to be applied as credits to the General Fund.~~ The Department of Health and Human Services may not modify its principles of reimbursement for long-term care facilities to specifically exclude reimbursement for the depreciation of the assets created with federal or state grants.

**Sec. 17. 37-B MRSA §610-B**, as amended by PL 1999, c. 288, §2 and PL 2003, c. 689, Pt. B, §6, is repealed.

**Sec. 18. 37-B MRSA §611**, as enacted by PL 1983, c. 460, §3, is amended to read:

**§611. Reports**

The board shall ~~make submit~~ submit an annual report to the Governor and the joint standing committee of the Legislature having jurisdiction over veterans affairs. This report shall ~~must~~ must contain ~~an accounting for all money received and expended~~ a copy of audited financial statements, statistics on members who resided in the ~~home homes~~ during the year, recommendations to the Governor and Legislature and such other matters as the board deems pertinent. ~~The administrator, subject to approval of the board, shall compile a biennial budget on the forms and at the time required of other state agencies.~~

**Sec. 19. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 37-B, chapter 11, in the chapter headnote, the words "Maine veterans' home" are amended to read "Maine veterans' homes" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

**CHAPTER 398  
H.P. 1076 - L.D. 1585**

**An Act To Improve Services for Persons Who Are Deaf or Hard of Hearing by Updating the Laws Governing Qualifications for Certain Members of the Telecommunications Relay Services Advisory Council**

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

**Sec. 1. 35-A MRSA §8704, sub-§1, ¶E**, as amended by PL 2013, c. 40, §1, is further amended to read:

E. Eight members appointed by the Governor as follows:

- (1) One member from the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf;
- (2) One member from a statewide association for the deaf;
- (3) One member from a ~~center on deafness~~ disability rights organization in this State;
- (4) One member from the largest incumbent local exchange carrier providing telecommunications relay service in this State;
- (5) One member of a telephone association in this State, except that the representative under this subparagraph may not be a representative of the carrier under subparagraph (4);
- (6) Two members from the general public who use telecommunications devices for the deaf as a ~~primary means of that operate in connection with~~ telecommunications relay services as their primary means of telecommunications; and
- (7) One member representing ~~an Internet telecommunications relay service provider a~~ company that provides service to customers

~~in this State telecommunications relay services through the Internet, wireless telecommunications or cable telecommunications.~~

See title page for effective date.

**CHAPTER 399  
H.P. 1027 - L.D. 1504**

**An Act To Establish November 1st as Veterans in the Arts and Humanities Day**

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

**Sec. 1. 1 MRSA §150-M** is enacted to read:

**§150-M. Veterans in the Arts and Humanities Day**

Each political subdivision and school administrative unit is encouraged to celebrate Veterans in the Arts and Humanities Day on November 1st of each year. The celebration may include recognition of the contributions of veterans of the United States Armed Forces and their military service past and present, promotion of the significant contributions veterans have made to the arts and humanities and public awareness of the talent of those veterans now working in a variety of artistic fields. The celebration may also include public proclamations, appropriate parades and ceremonies and the introduction of curricula in school systems recognizing the efforts of veterans and their contributions to our way of life, including the arts and humanities. The Governor may annually issue a proclamation urging the people of the State to observe the day with appropriate celebration and activity.

See title page for effective date.

**CHAPTER 400  
H.P. 1049 - L.D. 1538**

**An Act To Amend the Quorum Requirements That Apply to the Citizen Trade Policy Commission**

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

**Sec. 1. 10 MRSA §12**, as enacted by PL 2007, c. 266, §4, is amended to read:

**§12. Quorum**

For purposes of holding a meeting, a quorum is ~~11~~ 9 members. A quorum must be present to start a meet-