

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.

Augusta, Maine
2016

formation through a toll-free telephone number or numbers;

B. Answer inquiries, investigate and work toward resolution of complaints regarding the performance and services of the department and participate in conferences, meetings and studies that may improve the performance of the department;

C. Provide services to members and eligible members to assist them in protecting their rights;

D. Inform members and eligible members of the means of obtaining services from the department;

E. Provide information and referral services;

F. Analyze and provide opinions and recommendations to agencies, the Governor and the Legislature on state programs, rules, policies and laws;

G. Determine what types of complaints and inquiries will be accepted for action by the program and adopt policies and procedures regarding communication with members and eligible members making inquiries or complaints and the department;

H. Apply for and use grants, gifts and funds for the purpose of performing the duties of the program; and

I. Collect and analyze records and data relevant to the duties and activities of the program and make reports as required by law or as the department considers appropriate.

5. Information for members and eligible members; eligibility. The program, in consultation with appropriate interested parties, shall provide information about eligibility requirements and procedures for enrolling in MaineCare to members and eligible members, including their dependents. The providing of the information under this subsection does not constitute representation of members and eligible members. Members and eligible members may seek and receive information regardless of whether they are represented by legal counsel. The information must be provided free of charge to members and eligible members.

This subsection does not create new rights or obligations concerning the provision of legal advice or representation of members and eligible members.

6. Confidentiality of records. Information held by or records or case-specific reports maintained by the program are confidential. Disclosure may be made only if the ombudsman determines such disclosure is lawful and in the best interest of the member or eligible member.

7. Liability. Any person who in good faith submits a complaint or inquiry to the program pursuant to this section is immune from any civil or criminal li-

ability arising from that complaint or inquiry. For the purpose of any civil or criminal proceedings, there is a rebuttable presumption that any person acting pursuant to this section did so in good faith. The ombudsman and employees and volunteers of the program are employees of the State for the purposes of the Maine Tort Claims Act.

8. Information. Information about the services of the program must be given to all members and eligible members who receive or are eligible to receive services from the department and from persons and entities contracting with the department for the provision of Medicaid services.

9. Report. The program shall report to the department according to the requirements of the program contract under subsection 3. The program shall also report annually by January 1st to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the activities and services of the program, priorities that may have been set by the program among types of inquiries and complaints, waiting lists for services and the provision of outreach services and recommendations for changes in statute, rules or policy to improve the provision of services.

10. Funding. The department shall contract for ombudsman services under this section as long as non-state funding is available.

See title page for effective date.

CHAPTER 512

S.P. 709 - L.D. 1702

**An Act To Fund Agreements
with Bargaining Units for
Certain Executive Branch
Employees**

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

Whereas, certain obligations and expenses incident to the operation of state collective bargaining agreements will become due and payable immediately; and

Whereas, it is the responsibility of the Legislature to act upon those portions of collective bargaining agreements negotiated by the executive branch that require legislative action; and

Whereas, the Governor and the Legislature share a desire to address in a timely manner the needs of certain state employees excluded from collective bargaining units; 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. PL 2015, c. 376, §2 is amended to read:

Sec. 2. Adjustment of salary schedules for fiscal year 2016-17. Effective at the beginning of the pay week commencing closest to July 1, 2016, the salary schedules for executive branch employees in bargaining units represented by the American Federation of State, County and Municipal Employees, the Maine State Troopers Association and the Maine State Law Enforcement Association must be adjusted upward according to the respective collective bargaining agreements. The salary schedules for executive branch employees in bargaining units represented by the Maine State Employees Association must be adjusted consistent with the terms of any tentative agreements ratified prior to ~~September 30, 2015~~ May 31, 2016.

Sec. 2. PL 2015, c. 376, §6 is amended to read:

Sec. 6. Costs to General Fund and Highway Fund. Costs to the General Fund and Highway Fund must be provided in all or part through a transfer of Personal Services appropriations within and between departments and agencies and in accordance with Public Law 2015, chapter 267, Part DDDD and from the Salary Plan program, General Fund account in the Department of Administrative and Financial Services up to \$8,000,000 for the fiscal year ending June 30, 2016 and up to \$12,000,000 for the fiscal year ending June 30, 2017 to implement the economic terms of the collective bargaining agreements made in the months of June of calendar year 2015 through ~~September~~ May of calendar year ~~2015~~ 2016 by the State and the American Federation of State, County and Municipal Employees, the Maine State Troopers Association, the Maine State Law Enforcement Association and the Maine State Employees Association, to provide equitable treatment of employees excluded from bargaining pursuant to the Maine Revised Statutes, Title 26, section 979-A, subsection 6, paragraphs E and F and, notwithstanding Title 26, section 979-D, subsection 1, paragraph E, subparagraph (3), to implement equitable adjustments for confidential employees.

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

Effective May 3, 2016.

CHAPTER 513

S.P. 710 - L.D. 1703

An Act To Make a Technical Correction to Public Law 2015, Chapter 483

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 makes a technical correction to Public Law 2015, chapter 483, which requires that funds be transferred by June 30, 2016; 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. PL 2015, c. 483, §1, sub-§8 is amended to read:

8. Transfers of funds. Notwithstanding any provision of law to the contrary, at the close of fiscal year 2015-16, the State Controller, as the next priority after making the transfers authorized pursuant to the Maine Revised Statutes, Title 5, sections 1507, 1511, and 1519, ~~1522~~ and the transfer to the Reserve for General Fund Operating Capital pursuant to section 1536, shall transfer from the unappropriated surplus of the General Fund to the Cost Recovery Fund, Other Special Revenue Funds account within the Public Utilities Commission amounts as may be available from time to time, up to a total of \$13,400,000.

Sec. 2. Retroactive application. That section of this Act that amends Public Law 2015, chapter 483 applies retroactively to April 16, 2016.

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

Effective May 3, 2016.