

# 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**

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**IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2015**

**CHAPTER 31**  
**S.P. 381 - L.D. 1079**

**Resolve, To Support and  
Encourage the Development of  
an Adult Family Care  
Demonstration Project in  
Washington County**

**Preamble.** Whereas, rural and coastal areas of Maine have experienced closures of nursing facilities, reducing the number of long-term care options and causing family stress; and

**Whereas,** Maine has an aging population and the State must develop strategies to allow the population to age in place; and

**Whereas,** residents of long-term care and residential care facilities want to age in place, remaining close to their families; and

**Whereas,** couples with different acuity levels want to continue living together despite having different requirements for support; now, therefore, be it

**Sec. 1. Department of Health and Human Services to review reimbursement levels at residential care facilities. Resolved:** That the Department of Health and Human Services shall review the reimbursement levels at residential care facilities and create a new level of reimbursement that takes into account the greater levels of care required by residents in those facilities who choose to age in place. The review must take into account the financial position of facilities in those areas of the State that have recently lost a significant number of nursing facility beds. The review may include other reviews that the department is currently undertaking with respect to the continuum of care, including, but not limited to, home-based and community-based services and residential care and future projections of need for nursing facility beds; and be it further

**Sec. 2. Department of Health and Human Services to develop a demonstration project. Resolved:** That the Department of Health and Human Services shall develop a plan for a demonstration project in Washington County to establish facilities with suite-type settings. The demonstration project must take into account the needs of couples in which one or both spouses have a diagnosis of dementia; and be it further

**Sec. 3. Report. Resolved:** That the Department of Health and Human Services shall submit a report regarding its findings, pursuant to this resolve, to the Joint Standing Committee on Health and Human Services no later than January 15, 2016. The Joint Standing Committee on Health and Human Services

may report out legislation related to the report to the Second Regular Session of the 127th Legislature.

See title page for effective date.

**CHAPTER 32**  
**H.P. 726 - L.D. 1057**

**Resolve, To Review and  
Report Recommendations on  
the Safety of Motorized Farm  
Rides Provided for a Fee to the  
Public**

**Sec. 1. Review. Resolved:** That the State Fire Marshal, or the State Fire Marshal's designee, and the Chief of the Maine State Police, or the chief's designee, shall work together as cochairs to convene a broadly representative group of stakeholders to review methods of ensuring the safety of the public on motorized hayrides, pumpkin rides and other farm rides that are offered for a fee to the public on farms and rural land. The stakeholder group shall review requirements applicable to motorized vehicles that pull rides, trailers and wagons on which the public sits or stands. The stakeholder group shall review the requirements in effect in the State of Rhode Island, the status of proposed standards for hayrides developed by the American Society for Testing and Materials and the laws of this State that apply to motor vehicles; and be it further

**Sec. 2. Report. Resolved:** That the Office of the State Fire Marshal and the Maine State Police shall prepare a report and submit it to the Joint Standing Committee on Criminal Justice and Public Safety and the Joint Standing Committee on Transportation by February 1, 2016. The report must contain a description of the work undertaken by the stakeholder group and any findings and recommendations agreed upon by the stakeholders. Following review of the report the Joint Standing Committee on Criminal Justice and Public Safety and the Joint Standing Committee on Transportation may each separately submit legislation to the Second Regular Session of the 127th Legislature.

See title page for effective date.

**CHAPTER 33**  
**S.P. 398 - L.D. 1129**

**Resolve, To Change the  
Requirements for Nursing  
Services in Home Health Care**

**Sec. 1. Amend the rules governing nursing services in home health care services. Resolved:** That the Department of Health and Human

Services shall amend Rule Chapter 119, Regulations Governing the Licensing and Functioning of Home Health Care Services, in Chapter 7, Section 7.B.2 to allow nursing services to be provided by new nursing graduates who have successfully completed a home health care orientation program approved by the department prior to commencing independent home health care nursing practice. The orientation, provided by the agency employing the nursing graduate, must include all components of the home health agency core orientation and, in addition, a standard orientation curriculum that includes, but is not limited to, intravenous therapy including central and peripherally inserted central catheter line management, comprehensive health assessment, chronic disease self-management strategies, goal setting, patient-centered care, wound care assessment and techniques, evidence-based practice in clinical care, interprofessional collaborative practice, critical thinking and clinical judgment, health care ethics and medication assessment, reconciliation and administration and management in the community setting.

See title page for effective date.

**CHAPTER 34  
H.P. 70 - L.D. 87**

**Resolve, To Implement the  
Recommendations of the  
Commission To Continue the  
Study of Long-term Care  
Facilities**

**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 people of the State need and deserve a variety of well-planned and financially stable long-term care services in home-based and community-based care settings and in nursing facilities in their communities; and

**Whereas,** recent closures of nursing facilities, in particular in rural and underserved areas of the State, have had a significant impact on Maine families and communities; and

**Whereas,** in order to provide high-quality care to Maine's elderly and disabled persons and to maintain access to services across the State, the Legislature must take immediate action to continue a thoughtful and thorough planning process; 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 preserva-

tion of the public peace, health and safety; now, therefore, be it

**Sec. 1. Amendment of Principles of Reimbursement for Nursing Facilities. Resolved:** That the Department of Health and Human Services shall amend Rule Chapter 101, MaineCare Benefits Manual, Chapter III, Section 67, Principles of Reimbursement for Nursing Facilities as follows.

**1. Continuing education for direct care staff.** The rule must be amended so that the cost of continuing education for direct care staff is included as a direct care cost component rather than a routine cost component.

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

Effective June 23, 2015.

**CHAPTER 35  
H.P. 739 - L.D. 1076**

**Resolve, Directing the  
Department of Health and  
Human Services To Increase  
Public Awareness about and  
Access to Federal Resources  
Related to Vaccine Injuries**

**Sec. 1. Department of Health and Human Services directed to increase public awareness about and access to federal resources related to vaccine injuries. Resolved:** That the Department of Health and Human Services shall create a link on the department's publicly accessible website to existing federal resources related to vaccine injuries, including but not limited to information about the:

1. National Vaccine Injury Compensation Program of the United States Department of Health and Human Services, Health Resources and Services Administration; and

2. Vaccine Adverse Event Reporting System co-sponsored by the United States Centers for Disease Control and Prevention and the United States Food and Drug Administration, agencies of the United States Department of Health and Human Services.

See title page for effective date.