

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

services under Section 17 for an individual that received Section 17 services before Section 17 was updated on March 22, 2016 if that individual is able to reasonably demonstrate to the department that the individual has been unable to access appropriate services under any other section of the MaineCare Benefits Manual; and be it further

Sec. 4. Emergency rulemaking authorized.

Resolved: That the department shall adopt emergency rules pursuant to the Maine Revised Statutes, Title 5, section 8054 as necessary for implementation of this resolve.

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

Effective April 26, 2016.

CHAPTER 83

H.P. 605 - L.D. 886

**Resolve, Directing the
Department of Health and
Human Services To Increase
Reimbursement Rates for
Home-based and
Community-based Services**

Sec. 1. Reimbursement for personal care and related services. Resolved: That the Department of Health and Human Services shall amend its rules for reimbursement rates for personal care and related services provided under Chapter 101: MaineCare Benefits Manual, Sections 12, 19 and 96 and Chapter 5, Office of Elder Services Policy Manual, Section 63 to reflect 50% of the increase in rates noted in the final rates modeled in the February 1, 2016 report "Rate Review for Personal Care and Related Services: Final Rate Models" prepared for the department by Burns & Associates, Inc. Rules adopted pursuant to this section are routine technical rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A; and be it further

Sec. 2. Unstaffed hours and waiting lists.

Resolved: That the Department of Health and Human Services shall estimate the number of hours, and the cost of those hours, of unmet need under Chapter 101: MaineCare Benefits Manual, Sections 12, 19, 40 and 96 and Chapter 5, Office of Elder Services Policy Manual, Section 63. The estimate must include individuals eligible for services but on a waiting list and individuals who are entitled to services that are eligible for reimbursement but are unable to locate individuals or agencies to provide those services; and be it further

Sec. 3. Rate study. Resolved: That the Department of Health and Human Services shall conduct a rate study of the services in rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 40, Home Health Services. The rate study must be conducted by a 3rd party, account for provider costs related to the services in Section 40 and include stakeholders for all services included in Section 40; and be it further

Sec. 4. Report. Resolved: That the Department of Health and Human Services shall provide a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters with findings and recommendations for changes to the rates identified in section 4 no later than January 1, 2017; and be it further

Sec. 5. Appropriations and allocations.

Resolved: That the following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF (FORMERLY DHS)**

Medical Care - Payments to Providers 0147

Initiative: Provides funds for a rate increase for personal care and related services.

GENERAL FUND	2015-16	2016-17
All Other	\$0	\$2,773,600
GENERAL FUND TOTAL	\$0	\$2,773,600

FEDERAL EXPENDITURES FUND	2015-16	2016-17
All Other	\$0	\$4,920,692
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$4,920,692

Office of Aging and Disability Services Central Office 0140

Initiative: Provides funds for a rate increase for personal care and related services.

GENERAL FUND	2015-16	2016-17
All Other	\$0	\$1,226,400
GENERAL FUND TOTAL	\$0	\$1,226,400

Temporary Assistance for Needy Families 0138

Initiative: Provides for a one-time reduction of funding for projected savings in the Temporary Assistance for Needy Families program.

GENERAL FUND	2015-16	2016-17
All Other	\$0	(\$4,000,000)
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GENERAL FUND TOTAL	\$0	(\$4,000,000)
HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)		
DEPARTMENT TOTALS	2015-16	2016-17
GENERAL FUND	\$0	\$0
FEDERAL	\$0	\$4,920,692
EXPENDITURES FUND		
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DEPARTMENT TOTAL - ALL FUNDS	\$0	\$4,920,692

See title page for effective date.

CHAPTER 84

H.P. 1142 - L.D. 1671

Resolve, Compensating Susan Cloutier for Claims against the State

Sec. 1. Compensation authorized. Resolved: That the Governor is authorized and directed, upon receipt of the necessary releases, to pay \$400,000 from the Risk Management Fund to compensate Susan Cloutier and members of her family in full settlement and satisfaction of any and all claims by her and members of her family against the State, the Department of Labor and present or former employees of that department or of the State for damages resulting from the death of her son and husband in a motor vehicle accident. The funds provided pursuant to this resolve are not intended to supplant any other funds received by Susan Cloutier through the State's self-insurance fund administered by the Department of Administrative and Financial Services, Bureau of General Services pursuant to the Maine Revised Statutes, Title 5, section 1725-A.

See title page for effective date.

CHAPTER 85

H.P. 1158 - L.D. 1693

Resolve, Establishing the Commission To Study the Economic, Environmental and Energy Benefits of the Maine Biomass Industry

Sec. 1. Commission to Study the Economic, Environmental and Energy Benefits of the Maine Biomass Industry established. Resolved: That the Commission to Study the Economic, Environmental and Energy Benefits of the Maine Biomass Industry, referred to in this resolve as "the commission," is established; and be it further

Sec. 2. Membership. Resolved: That, notwithstanding Joint Rule 353, the commission consists of 13 members appointed as follows:

1. Two members of the Senate appointed by the President of the Senate, including a member from each of the 2 parties holding the largest number of seats in the Legislature;

2. Three members of the House of Representatives appointed by the Speaker of the House, including a member from each of the 2 parties holding the largest number of seats in the Legislature;

3. Four members appointed by the President of the Senate as follows:

A. A commercial wood harvester who supplies biomass;

B. A representative of the biomass electric industry;

C. A representative of a sawmill located in the State; and

D. A scientist from the University of Maine who studies forest health and silviculture; and

4. Four members appointed by the Speaker of the House as follows:

A. A representative of a conservation organization;

B. A representative of a pulp and paper manufacturer located in the State;

C. A representative of commercial timber holdings in the State; and

D. A representative of a business that uses biomass for thermal generation or cogeneration or an expert in the use of biomass energy for thermal generation or cogeneration; and be it further

Sec. 3. Commission chairs. Resolved: That the first-named Senator is the Senate chair of the commission and the first-named member of the House