

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

FIRST SPECIAL SESSION
October 23, 2017 to November 6, 2017

SECOND REGULAR SESSION
January 3, 2018 to May 2, 2018

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 5, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 1, 2018

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

Augusta, Maine
2018

the choice to have the child care assistance paid directly to the child care provider from the total benefit package, the department shall pay the child care assistance directly to the designated child care provider for the recipient. The department shall pay the balance of the total benefit package to the recipient;

(10) Child care assistance under this paragraph must be paid by the department in a prompt manner that permits an ASPIRE-TANF recipient to access child care necessary for work; and

(11) The department shall adopt rules pursuant to Title 5, chapter 375 to implement this subsection. Rules adopted pursuant to this subparagraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. 22 MRSA §3762, sub-§8, ¶E, as enacted by PL 2009, c. 291, §6, is repealed and the following enacted in its place:

E. The department shall establish payment rates for child care services that are up to the 75th percentile of local market rates for the various categories of child care services. The payment rates for child care services for children with special needs may be higher than the 75th percentile of local market rates.

Sec. 4. 22 MRSA §3782-A, sub-§5, as enacted by PL 1997, c. 530, Pt. A, §19, is repealed and the following enacted in its place:

5. Child care during participation in employment, education and training. The department shall provide child care in accordance with federal law and this Title when the child care is necessary to permit a TANF-eligible family member to participate in the ASPIRE-TANF program.

A. The department shall establish payment rates for child care services that are up to the 75th percentile of local market rates for the various categories of child care services. The payment rates for child care services for children with special needs may be higher than the 75th percentile of local market rates.

B. The department shall provide an ASPIRE-TANF program participant's actual cost for child care up to the maximum rate authorized by federal law. In determining the maximum rate, the State shall use a method that results in an amount that equals, or most closely approaches, the actual market rate in different regions of the State for various types of child care services received by families in the State participating in the ASPIRE-TANF program.

Sec. 5. PL 2011, c. 380, Pt. UU is repealed.

Sec. 6. Increasing child care center rates with additional federal funding. Any increased federal funding received by the State from increases to discretionary spending for subsidized child care for low-income families in a child care and development block grant from the enactment of the federal Bipartisan Budget Act of 2018, PL 115-123, and any subsequent funding legislation, must be used to increase reimbursement rates to child care centers up to the 75th percentile of local market rates for child care services. Payment rates for child care services for children with special needs may be higher than the 75th percentile of local market rates.

See title page for effective date.

CHAPTER 413

H.P. 1209 - L.D. 1756

An Act To Allow The Maine Educational Center for the Deaf and Hard of Hearing and Governor Baxter School for the Deaf To Lease Space to Maine's Protection and Advocacy Agency for Persons with Disabilities

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

Whereas, pursuant to the deed of gift from Governor Baxter, Mackworth Island was given to the State as trustee in trust for the benefit of the people of the State for state public purposes; and

Whereas, there are unused school facilities at the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf on Mackworth Island; and

Whereas, the Legislature finds that it would serve a state public purpose to lease these unused school facilities to the protection and advocacy agency for persons with disabilities designated by the Governor, which provides services for deaf and hard-of-hearing adults and children and other citizens of the State with disabilities; and

Whereas, this legislation authorizes the Department of Administrative and Financial Services to enter into agreements to lease these unused school facilities consistent with state law regarding excess state property; and

Whereas, this legislation needs to take effect in time to allow for the lease of the unused school facilities by May 1, 2018; 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. 20-A MRSA §7407, sub-§6, as amended by PL 2005, c. 600, §1, is further amended to read:

6. Collection of fees. The school board may charge service and rental fees for use of facilities of the school. Except as provided in ~~subsection~~ subsections 12-A and 12-B, any funds received for service and rental fees must be retained by the school.

Sec. 2. 20-A MRSA §7407, sub-§12-B is enacted to read:

12-B. Lease of school property to State's protection and advocacy agency. The Department of Administrative and Financial Services may enter into lease agreements in accordance with state law and policy on the lease of state-owned facilities, including but not limited to the provisions of Title 5, chapter 154, to lease school property to the protection and advocacy agency for persons with disabilities designated pursuant to Title 5, section 19502. Any funds received pursuant to this subsection must first be applied in accordance with Title 5, section 1784. Any excess revenue above the requirements of Title 5, section 1784 may be retained by the school to be applied to statutorily authorized programs.

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

Effective May 2, 2018.

CHAPTER 414

H.P. 1285 - L.D. 1848

An Act To Extend Arrearage Management Programs

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

Sec. 1. 35-A MRSA §3214, sub-§2-A, as enacted by PL 2013, c. 556, §1, is amended to read:

2-A. Arrearage management program. Each investor-owned transmission and distribution utility shall implement pursuant to this subsection an arrear-

age management program to assist eligible low-income residential customers who are in arrears on their electricity bills. An arrearage management program implemented pursuant to this subsection is a plan under which a transmission and distribution utility works with an eligible low-income residential customer to establish an affordable payment plan and provide credit to that customer toward the customer's accumulated arrears as long as that customer remains in compliance with the terms of the program. If a consumer-owned transmission and distribution utility elects to implement an arrearage management program, it must do so in accordance with this subsection and rules adopted pursuant to this subsection. The commission shall establish requirements relating to the arrearage management programs by rule. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

In adopting rules regarding arrearage management programs, the commission shall:

A. Consider best practices as developed and implemented in other states or regions;

B. Require that an arrearage management program include an electricity usage assessment at no cost to the participant;

~~C. Permit each transmission and distribution utility to propose a start date for its program that is no later than October 1, 2015;~~

D. Ensure that ~~each~~ a transmission and distribution utility develops terms and conditions for its arrearage management program in a manner that is consistent with the program's objectives and is in the best interests of all ratepayers; and

E. Ensure that a transmission and distribution utility recovers in rates all reasonable costs of arrearage management programs, including ~~incremental costs, reconnection fees and administrative and marketing costs but not including the amount of any arrearage forgiven that is treated as bad debt for purposes of cost recovery by the transmission and distribution utility;~~

(1) Incremental costs;

(2) Reconnection fees;

(3) Administrative costs;

(4) Marketing costs;

(5) Costs for any 3rd-party assistance it receives in administering its arrearage management program; and

(6) Costs for providing financial and budgetary guidance to participants whether provided directly or through a 3rd party contracted by