

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

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

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

Augusta, Maine
2019

benefits for any week based on the individual's failure to meet the requirements of subsection 2 or 3 for a period of 6 weeks during that temporary layoff, so long as the individual remains in contact with and able and available to work for that employer.

An individual may not receive more than 6 weeks of benefits in a benefit year pursuant to this subsection unless approved by the Department of Labor.

Sec. 5. 26 MRSA §1192, last ¶, as enacted by PL 2011, c. 645, §5, is amended to read:

For purposes of subsections 2, 3, 12 and 13, "good cause" means the unemployed individual is ill; the presence of the unemployed individual is required due to an illness of the unemployed individual's spouse, children, parents, stepparents, brothers or sisters, or relatives who have been acting in the capacity of a parent of either the unemployed individual or the unemployed individual's spouse; the unemployed individual is in attendance at the funeral of such a relative; the unemployed individual is observing a religious holiday as required by religious conviction; the unemployed individual is performing either a military or civil duty as required by law; or other cause of a necessitous and compelling nature, including child care emergencies and transportation emergencies. If an unemployed individual has completed reemployment services and eligibility assessment with the Department of Labor within the prior 5 years, that individual is considered to have good cause for not participating in reemployment services and eligibility assessment under subsections 12 and 13. "Good cause" does not include incarceration as a result of a conviction for a felony or misdemeanor.

Sec. 6. Report by Department of Labor regarding effects of changes to work search requirements. The Department of Labor shall examine the effect on the State's account in the federal Unemployment Trust Fund established pursuant to the federal Social Security Act, Section 904 as a result of the enactment of the Maine Revised Statutes, Title 26, section 1192, subsection 14 creating an exemption from work search requirements for temporarily laid off employees, referred to in this section as "the exemption."

The department shall compile the results of its examination under this section, including aggregate data regarding:

1. The number of employees who were eligible for the exemption and the number of employers of those employees;
2. The number of employees who were paid benefits due to the exemption, the number of employers of those employees and the dollar amount of those benefits paid from the Unemployment Trust Fund; and

3. The number of employees who were approved by the department to receive more than 6 weeks of paid benefits in a benefit year pursuant to the exemption, the number of employers of those employees and the dollar amount of those benefits paid from the Unemployment Trust Fund.

The department shall report to the joint standing committee of the Legislature having jurisdiction over labor matters no later than January 15, 2021 with the results of the examination under this section, including the aggregate data under subsections 1, 2 and 3. The joint standing committee may report out a bill related to the report to the First Regular Session of the 130th Legislature.

Sec. 7. Appropriations and allocations. The following appropriations and allocations are made.

LABOR, DEPARTMENT OF

Employment Security Services 0245

Initiative: Allocates one-time funds for the cost of making computer programming updates to implement changes to the eligibility requirements for unemployment benefits.

| FEDERAL EXPENDITURES FUND | 2017-18 | 2018-19 |
|---------------------------------|---------|----------|
| All Other | \$0 | \$71,200 |
| FEDERAL EXPENDITURES FUND TOTAL | \$0 | \$71,200 |

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

Effective July 9, 2018.

CHAPTER 454

H.P. 292 - L.D. 401

An Act To Require Reimbursement to Hospitals for Patients Awaiting Placement in Nursing Facilities

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

Sec. 1. 22 MRSA §3174-AAA is enacted to read:

§3174-AAA. Reimbursement for days awaiting placement; reimbursement for hospitals other than critical access hospitals

Beginning January 1, 2019, the department shall provide reimbursement to hospitals other than critical access hospitals for each day after the 10th day that a MaineCare-eligible individual is in the care of a hospital while awaiting placement in a nursing facility. The department shall reimburse hospitals prospectively at the statewide average rate per MaineCare member day for nursing facility services. The department shall compute the statewide average rate per MaineCare member day based on the simple average of the nursing facility rate per MaineCare member day for the applicable state fiscal year or years prorated for the hospital's fiscal year. Reimbursement for days awaiting placement pursuant to this section is limited to a maximum of \$500,000 of combined General Fund funds and federal funds for each year. For purposes of this section, "critical access hospital" has the same meaning as in section 7932, subsection 10.

This section is repealed December 31, 2023.

Sec. 2. MaineCare Benefits Manual. The Department of Health and Human Services shall amend the rules under Chapter 101: MaineCare Benefits Manual, Chapter III, Section 45, Hospital Services to implement the Maine Revised Statutes, Title 22, section 3174-AAA. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF**

Medical Care - Payments to Providers 0147

Initiative: Provides funds to provide reimbursement to hospitals other than critical access hospitals for each day after the 10th day that a MaineCare-eligible individual is in the care of a hospital while awaiting placement in a nursing facility.

| GENERAL FUND | 2017-18 | 2018-19 |
|----------------------------------|----------------|-----------------|
| All Other | \$0 | \$17,690 |
| GENERAL FUND TOTAL | \$0 | \$17,690 |
| FEDERAL EXPENDITURES FUND | 2017-18 | 2018-19 |
| All Other | \$0 | \$31,932 |

| | | |
|----------------------|-----|----------|
| FEDERAL EXPENDITURES | \$0 | \$31,932 |
| FUND TOTAL | | |

See title page for effective date.

CHAPTER 455

H.P. 1235 - L.D. 1788

An Act To Enhance Safety for Victims of Sexual Assault and Stalking and To Amend the Laws Governing Harassment and Protection from Abuse

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

Sec. 1. 5 MRSA §4651, sub-§2, ¶C, as repealed and replaced by PL 2017, c. 288, Pt. A, §4, is amended to read:

C. A single act or course of conduct constituting a violation of section 4681; Title 17, section 2931; or Title 17-A, section 201, 202, 203, 204, 207, 208, 209, 210, 210-A, 211, 253, 254, 255-A, 256, 258, 259-A, 259-B, 260, 261, 282, 283, 301, 302, 303, 506, 506-A, 511, 511-A, 556, 802, 805, 806, 852 or 853.

Sec. 2. 5 MRSA §4653, sub-§1, ¶B, as enacted by PL 2011, c. 559, Pt. C, §3, is amended to read:

B. If the alleged harassment does not meet the definition in section 4651, subsection 2, paragraph C or is not related to an allegation of domestic violence, violence against a dating partner, sexual assault ~~or~~ stalking or harassment as described in Title 17-A, section 506, subsection 1, paragraph A-1 or A-2, a copy of a notice to stop harassing the plaintiff issued to the defendant pursuant to Title 17-A, section 506-A, subsection 1, paragraph A, subparagraph (1), division (a) or a statement of good cause why such a notice was not sought or obtained.

Sec. 3. 14 MRSA §6001, sub-§6, ¶H, as enacted by PL 2015, c. 293, §5, is amended to read:

H. When a victim asserts any of the provisions contained within this chapter specifically available to a victim, except for changing locks according to section 6025, subsection 1, a victim shall provide to the landlord documentation of the alleged conduct by the perpetrator, including the perpetrator's name. Acceptable documentation includes, but is not limited to:

(1) A statement signed by a Maine-based sexual assault counselor as defined in Title 16, section 53-A, subsection 1, paragraph B,