

MAINE STATE LEGISLATURE

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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

CHAPTER 458
H.P. 592 - L.D. 843

**An Act To Adjust the Formula
for Calculating the Allocation
of Moose Permits for Hunting
Lodges**

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

Sec. 1. 12 MRSA §11154, sub-§2, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

2. Issuance of moose hunting permits. In accordance with section 11552, the commissioner may issue moose hunting permits and may establish the number of moose hunting permits to be issued for each wildlife management district established by the commissioner by rule open to moose hunting. No more than ~~40%~~ 8% of the moose hunting permits may be issued to nonresident and alien hunters. No more than 2% of the moose hunting permits may be issued to hunting outfitters in accordance with subsection 14.

Sec. 2. 12 MRSA §11154, sub-§14, as enacted by PL 2013, c. 538, §24, is amended to read:

14. Permits for hunting lodges. ~~In any year in which the total number of moose permits available as determined by the commissioner under subsection 2 for the public chance drawing under subsection 9 exceeds 3,140, 10% of the permits exceeding 3,140 Moose hunting permits issued to hunting outfitters must be allocated through a chance drawing separate from the chance drawing under subsection 9 to hunting outfitters in accordance with this subsection.~~ The fee for a moose hunting permit under this subsection is \$1,500.

A. For the purposes of this subsection, "hunting outfitter" means a person who operates a sporting camp as defined under Title 22, section 2491, subsection 11 that is licensed under Title 22, chapter 562 and who provides package deals that include food, lodging and the services of a guide licensed under chapter 927 for the purpose of hunting.

B. A hunting outfitter may sell or transfer a permit allocated under this subsection only once, only to a hunter who is eligible under paragraph F and only under the following conditions:

- (1) The sale or transfer must be part of a package deal that includes the food and lodging to be provided by the hunting outfitter to the person receiving the permit;
- (2) The person receiving the permit from the hunting outfitter must be accompanied during

the hunt by a guide licensed under chapter 927;

(3) The hunting outfitter must notify the department of the identity of the person receiving the permit; and

(4) The hunting permit may not be sold or transferred by the hunter.

C. A hunting outfitter may be allocated more than one permit.

D. A permit allocated under this subsection may be used only for the year, season, sex and wildlife management district for which the permit is issued.

E. Permits allocated under this subsection may not exceed 10% of the total permits issued per year for each season, sex and wildlife management district permit type.

F. An individual may hunt with a permit sold or transferred under this subsection only if that individual is otherwise eligible to obtain and hunt with a permit under subsection 5.

G. If proceeds in any year from the auction authorized under subsection 11 are less than \$107,000, proceeds from the ~~chance drawing conducted sale of moose permits to hunting outfitters~~ pursuant to this subsection must be used to fund youth conservation education programs as provided under subsection 11 up to \$107,000. The remainder must be deposited in the Moose Research and Management Fund under section 10263.

See title page for effective date.

CHAPTER 459
H.P. 652 - L.D. 924

**An Act Making Certain
Supplemental Appropriations
and Allocations and Changing
Certain Provisions of the Law
Necessary to the Proper
Operations of State
Government**

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 Act repeals Public Law 2017, chapter 284, Part V, section 2, which requires the State Controller to take action on or immediately after July 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:

PART A

Sec. A-1. 22 MRSA §3195 is enacted to read:

§3195. Compensation for care provided to persons with intellectual disabilities or autism

1. Reimbursement. The department shall reimburse services provided to MaineCare member adults with intellectual disabilities or autism under a waiver granted by the federal Centers for Medicare and Medicaid Services for home-based and community-based care on the basis of rates and a methodology established by major substantive rulemaking. The department shall, at least every 2 years, conduct a substantive review of the rates set under this section. The review must provide for public comment. This section applies to all funds, including federal funds, paid by any agency of the State to a provider for care covered by the waiver.

2. Rulemaking. The department shall adopt rules providing reimbursement rates under this section that take into account the costs of providing care and services in conformity with applicable state and federal laws, rules, regulations and quality and safety standards and local competitive wage markets.

Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. A-2. Immediate rate increases. The Department of Health and Human Services shall increase reimbursement rates in accordance with this section, effective July 1, 2018.

1. Section 21 rules. The Department of Health and Human Services shall amend its rules to increase reimbursement rates above the rates in effect on the effective date of this Part for the following procedure codes provided in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21:

- A. T2017 home support;
- B. T2017 SC home support with medical add-on;
- C. T2017 GT home support - remote support;
- D. T2016 agency home support;
- E. T2016 agency home support over 168 hours;
- F. T2016 SC agency home support with medical add-on;

G. S5140 shared living foster care, adult, one member;

H. S5140 TG shared living foster care, adult, one member, increased level of support;

I. S5140 UN shared living foster care, adult, 2 members;

J. S5140 UN TG shared living foster care, adult, 2 members, increased level of support;

K. T2021 community support;

L. T2021 SC community support with medical add-on;

M. T2015 career planning;

N. T2019 employment specialist services;

O. T2019 SC employment specialist services with medical add-on;

P. H2023 work support, individual;

Q. H2023 SC work support with medical add-on;

R. H2023 UN work support, group, 2 members;

S. H2023 UP work support, group, 3 members;

T. H2023 UQ work support, group, 4 members;

U. H2023 UR work support, group, 5 members;

V. H2023 US work support, group, 6 members;

W. T2034 crisis intervention services;

X. T2016 U5 home support, family-centered support, one member;

Y. T2016 TG U5 home support, family-centered support, one member, increased level of support;

Z. T2016 UN U5 home support, family-centered support, 2 members;

AA. T2016 UN TG U5 home support, family-centered support, 2 members, increased level of support;

BB. T2016 UP U5 home support, family-centered support, 3 members;

CC. T2016 UP TG U5 home support, family-centered support, 3 members, increased level of support;

DD. T2016 UQ U5 home support, family-centered support, 4 members;

EE. T2016 UQ TG U5 home support, family-centered support, 4 members, increased level of support;

FF. T2016 UR U5 home support, family-centered support, 5 or more members; and

GG. T2016 UR TG U5 home support, family-centered support, 5 or more members, increased level of support.

2. Section 29 rules. The Department of Health and Human Services shall amend its rules to increase reimbursement rates above the rates in effect on the effective date of this Part for the following procedure codes provided in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 29:

- A. T2017 home support, 1/4 hour;
- B. T2017 GT home support, remote support;
- C. T2021 community support;
- D. T2021 SC community support with medical add-on;
- E. T2019 employment specialist services;
- F. T2019 SC employment specialist services with medical add-on;
- G. H2023 work support, individual;
- H. H2023 SC work support - supported employment with medical add-on;
- I. H2023 UN work support, group, 2 members;
- J. H2023 UP work support, group, 3 members;
- K. H2023 UQ work support, group, 4 members;
- L. H2023 UR work support, group, 5 members;
- M. H2023 US work support, group, 6 members;
- N. T2015 career planning;
- O. S5150 respite, 1/4 hour;
- P. S5151 respite, per diem;
- Q. S5140 shared living foster care, adult, one member; and
- R. S5140 UN shared living foster care, adult, 2 members.

3. Proportional increase. The increase in rates for the procedure codes specified in subsection 1 and subsection 2 must be accomplished in equal proportion using the funding provided for that purpose in this Part.

4. Major substantive rules. Rules adopted pursuant to this section are major substantive rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

Sec. A-3. Savings efforts. The Department of Health and Human Services and representatives of organizations of providers of community support services for individuals with intellectual disabilities and autism shall examine current reimbursement rates, costs of providing services, labor costs and administrative overhead costs to determine opportunities for effi-

ciencies and savings. The department and providers shall present a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters with findings no later than January 1, 2019.

Sec. A-4. Appropriations and allocations. The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF**

Developmental Services Waiver - MaineCare Z211

Initiative: Provides appropriations to increase the rates provided for home-based and community-based care for individuals with intellectual disabilities or autism.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$20,100,152
GENERAL FUND TOTAL	\$0	\$20,100,152

Developmental Services Waiver - Supports Z212

Initiative: Provides appropriations to increase the rates provided for home-based and community-based care for individuals with intellectual disabilities or autism.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$2,718,540
GENERAL FUND TOTAL	\$0	\$2,718,540

Medicaid Services - Developmental Services Z210

Initiative: Provides allocations to increase the rates provided for home-based and community-based care for individuals with intellectual disabilities or autism.

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
All Other	\$0	\$4,644,239
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$4,644,239

Medical Care - Payments to Providers 0147

Initiative: Provides allocations to increase the rates provided for home-based and community-based care for individuals with intellectual disabilities or autism.

FEDERAL EXPENDITURES FUND	2017-18	2018-19
All Other	\$0	\$49,941,047

FEDERAL EXPENDITURES	\$0	\$49,941,047
FUND TOTAL		
HEALTH AND HUMAN SERVICES, DEPARTMENT OF		
DEPARTMENT TOTALS	2017-18	2018-19
GENERAL FUND	\$0	\$22,818,692
FEDERAL EXPENDITURES FUND	\$0	\$49,941,047
OTHER SPECIAL REVENUE FUNDS	\$0	\$4,644,239
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DEPARTMENT TOTAL - ALL FUNDS	\$0	\$77,403,978

PART B

Sec. B-1. Reimbursement for personal care and related services. 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 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.

Sec. B-2. Deadline for increase established. The Department of Health and Human Services shall increase the reimbursement rates in accordance with section 1 of this Part, effective July 1, 2018.

Sec. B-3. Adjustment of monetary caps. The Department of Health and Human Services shall ensure that caps and limitations on home-based and community-based services are increased to reflect increases in reimbursement rates that result from this Part. A recipient of services may not experience a reduction in hours solely as a result of increased reimbursement.

Sec. B-4. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF
Long Term Care - Office of Aging and Disability Services 0420

Initiative: Provides funding to increase rates for certain services effective July 1, 2018.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$884,176
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GENERAL FUND TOTAL	\$0	\$884,176

Medical Care - Payments to Providers 0147

Initiative: Provides funding to increase rates for certain services effective July 1, 2018.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$2,775,557
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GENERAL FUND TOTAL	\$0	\$2,775,557

FEDERAL EXPENDITURES FUND	2017-18	2018-19
All Other	\$0	\$5,007,833
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FEDERAL EXPENDITURES FUND TOTAL	\$0	\$5,007,833
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HEALTH AND HUMAN SERVICES, DEPARTMENT OF		
DEPARTMENT TOTALS	2017-18	2018-19

GENERAL FUND	\$0	\$3,659,733
FEDERAL EXPENDITURES FUND	\$0	\$5,007,833
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DEPARTMENT TOTAL - ALL FUNDS	\$0	\$8,667,566
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PART C

Sec. C-1. PL 2017, c. 284, Pt. V, §2 is repealed.

Sec. C-2. Appropriations and allocations. The following appropriations and allocations are made.

CORRECTIONS, DEPARTMENT OF
County Jails Operation Fund Z227

Initiative: Appropriates funds for the County Jails Operation Fund program.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$12,202,104

GENERAL FUND TOTAL	\$0	\$12,202,104
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Reserve for County Jail Operations N266

Initiative: Deallocates funds for county jail operations.

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
Unallocated	\$0	(\$12,202,104)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$12,202,104)

CORRECTIONS, DEPARTMENT OF DEPARTMENT TOTALS	2017-18	2018-19
GENERAL FUND	\$0	\$12,202,104
OTHER SPECIAL REVENUE FUNDS	\$0	(\$12,202,104)
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0

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

Effective July 9, 2018.

**CHAPTER 460
H.P. 653 - L.D. 925**

An Act Making Certain Appropriations and Allocations and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government

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 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; 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:

PART A

Sec. A-1. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

Developmental Services - Community Z208

Initiative: Provides funding for one Social Services Program Specialist II position to handle additional work required by an increase in members under a MaineCare Benefits Manual, Chapters II and III, Section 21 waiver.

GENERAL FUND	2017-18	2018-19
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$83,853
All Other	\$0	\$6,191

GENERAL FUND TOTAL	\$0	\$90,044
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Developmental Services Waiver - MaineCare Z211

Initiative: Provides funding for the Department of Health and Human Services, beginning October 1, 2018, to add 50 members a month from the waiting list for community-based services provided under the MaineCare Benefits Manual, Chapters II and III, Section 21 relating to home and community benefits for members with intellectual disabilities or autism spectrum disorder until 300 new members in total have been added.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$5,068,738

GENERAL FUND TOTAL	\$0	\$5,068,738
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Medicaid Services - Developmental Services Z210

Initiative: Provides an allocation for the Department of Health and Human Services, beginning October 1, 2018, to add 50 members a month from the waiting list for community-based services provided under the MaineCare Benefits Manual, Chapters II and III, Section 21 relating to home and community benefits for members with intellectual disabilities or autism spectrum disorder until 300 new members in total have been added.