

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 REGULAR SESSION
December 7, 2016 to August 2, 2017

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
NOVEMBER 1, 2017

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

Augusta, Maine
2017

Whereas, until recently, as a convenience to the residents of the State, burn permits were available online and for free through a 3rd-party provider; and

Whereas, due to a change in interpretation of policy by the Commissioner of Agriculture, Conservation and Forestry, residents of the State are no longer able to get free online burn permits; and

Whereas, the burn permits issued online by the Department of Agriculture, Conservation and Forestry carry a cost of \$7 per permit; and

Whereas, in order to restore to the residents of the State the convenience of obtaining burn permits online and for no charge, it is necessary that this legislation take effect as soon as possible; 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

Sec. 1. Department of Agriculture, Conservation and Forestry, Bureau of Forestry to allow municipalities to purchase burn permit software. Resolved: That the Department of Agriculture, Conservation and Forestry, Bureau of Forestry shall allow municipalities to purchase and use burn permit software sold from a private party to issue burn permits pursuant to the Maine Revised Statutes, Title 12, section 9325 if all statutory requirements of issuing burn permits are met by the software.

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

Effective July 4, 2017.

CHAPTER 23

H.P. 1121 - L.D. 1626

Resolve, Authorizing the Department of Inland Fisheries and Wildlife To Assume Ownership of the Forest City Project

Sec. 1. Forest City Project. Resolved: That, if the provisions of sections 2 and 3 are met, the Department of Inland Fisheries and Wildlife is authorized to assume ownership from Woodland Pulp LLC of that portion of a dam and water storage project known as the Forest City Project, together with associated flowage rights, easements and related facilities, located on the East Branch of the St. Croix River in Washington County and Aroostook County and referred to in this resolve as "the facility." The authorization under this

section is limited to that portion of the Forest City Project that is located within the territorial limits of the United States; and be it further

Sec. 2. Federal Energy Regulatory Commission contingency. Resolved: That the Department of Inland Fisheries and Wildlife may not assume ownership of the facility pursuant to section 1 unless the Federal Energy Regulatory Commission issues a written determination that no license issued by the Federal Energy Regulatory Commission to own or operate the facility will be required if the State owns the facility; and be it further

Sec. 3. Operation and maintenance agreement contingency. Resolved: That the Department of Inland Fisheries and Wildlife may not assume ownership of the facility pursuant to section 1 unless the State and Woodland Pulp LLC execute an agreement that provides that Woodland Pulp LLC and its successors will operate and maintain the facility at the direction of the State and in accordance with all applicable laws, rules and regulations and prudent industry practice, except to the extent that Woodland Pulp LLC or its successors are prevented from doing so by an unforeseen extraordinary event. The agreement must ensure that Woodland Pulp LLC and its successors operate and maintain the facility in accordance with the agreement required under this section at no cost to the State for a period of 15 years from the date the State acquires the facility; and be it further

Sec. 4. Project management. Resolved: That the Department of Inland Fisheries and Wildlife shall oversee the management of the facility if the facility is acquired pursuant to this resolve.

See title page for effective date.

CHAPTER 24

H.P. 853 - L.D. 1231

Resolve, To Assess the Need for Mental Health Care Services for Veterans in Maine and To Establish a Pilot Program To Provide Case Management Services to Veterans for Mental Health Care

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 legislation establishes a pilot program to provide case management services to provide mental health treatment to veterans; and

Whereas, this legislation transfers for use by the pilot program funds recently appropriated for the purpose of providing aid to veterans; and

Whereas, those funds may lapse before the end of the 90-day period; 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

PART A

Sec. A-1. Hospitals to inquire about past military service of patients presenting for emergency care. Resolved: That, beginning no later than January 1, 2018 and until December 31, 2020, a hospital licensed under the Maine Revised Statutes, Title 22, chapter 405 shall screen all patients presenting for emergency care at the hospital's emergency department regarding whether or not the patient has prior service in the military. This information must be added into the hospital's patient data management system; and be it further

Sec. A-2. Hospitals to report data to the Commissioner of Health and Human Services. Resolved: That, from January 1, 2018 to December 31, 2020, a hospital licensed under the Maine Revised Statutes, Title 22, chapter 405 shall compile data regarding the number of patients who identified as having served in the military who reported or presented a behavioral or mental health emergency when seeking care from the hospital emergency department, including the number who were admitted or referred for inpatient treatment for psychiatric care. The data collected in accordance with this subsection must not include information that would disclose the identity of the patient. Hospitals shall report the data to the Commissioner of Health and Human Services twice per year, for the period from January 1st to June 30th and for the period from July 1st to December 31st. The commissioner shall establish the date by which the data for each period must be reported; and be it further

Sec. A-3. Commissioner may waive screening and data collection requirement. Resolved: That the Commissioner of Health and Human Services may grant a waiver of the screening and data collection requirements of this resolve to a hospital that demonstrates that the requirements constitute an excessive burden that will substantially affect the operation of the hospital. The commissioner may not grant a waiver described under this section to more than 4 hospitals; and be it further

Sec. A-4. Obligation to screen and collect data discontinued for certain hospitals. Resolved: That, if reports submitted to the Commis-

sioner of Health and Human Services show that a hospital, in the initial 6-month period of data collection, identified 95% or more of the patients who presented for emergency care as having prior military service by the fact that they are enrolled and receive health care benefits from the United States Department of Veterans Affairs, the hospital is no longer required to screen patients and collect data as required by this resolve; and be it further

Sec. A-5. Report required. Resolved: That the Commissioner of Health and Human Services shall work with the Director of the Bureau of Maine Veterans' Services within the Department of Defense, Veterans and Emergency Management to analyze the data submitted by hospitals in accordance with section 2 of this Part to quantify the unmet need for mental health care services, particularly inpatient mental health care services, and to identify gaps in mental health care services provided by the United States Department of Veterans Affairs. The commissioner and the director shall submit a report on the analysis to the joint standing committee of the Legislature having jurisdiction over veterans affairs no later than February 1, 2020; and be it further

Sec. A-6. Commissioner shall distribute funds to mitigate costs of compliance. Resolved: That, by July 15, 2018, the Commissioner of Health and Human Services shall distribute \$4,500 to each hospital that screened for military service and collected data in accordance with sections 2 and 3 of this Part.

PART B

Sec. B-1. Commissioner of Health and Human Services to establish pilot program to provide mental health case management services to veterans. Resolved: That, beginning January 1, 2018, the Commissioner of Health and Human Services, referred to in this Part as "the commissioner," shall establish a pilot program to provide contracted case management services to provide necessary mental health treatment to veterans who are residents of the State. Case management services must include assisting veterans in gaining a range of mental and behavioral health services, which must include inpatient mental health care services. In establishing the pilot program, the commissioner shall consult with the Director of the Bureau of Maine Veterans' Services within the Department of Defense, Veterans and Emergency Management, referred to in this Part as "the director," to identify regions where case management services are most needed and to identify veterans seeking case management services who are enrolled with the United States Department of Veterans Affairs and those who would likely be eligible to be enrolled. The pilot program described in this section must continue until January 1, 2020 or until the funds provided in Part C are exhausted.

1. The commissioner, with the assistance of the director, shall seek to coordinate services with the United States Department of Veterans Affairs and state agencies that offer mental health care services or provide assistance to veterans.

2. The commissioner may enter into regional contracts for the purpose of ensuring a statewide network of case management that provides coordinated mental health care services for Maine veterans, including, but not limited to, inpatient treatment as clinically required.

3. The commissioner, with the assistance of the director, shall establish criteria to determine eligibility for case management services to be provided in accordance with this section. A veteran who has received a mental health diagnosis or mental health disability rating from the United States Department of Veterans Affairs must be considered eligible for case management services. A veteran who is not enrolled with the United States Department of Veterans Affairs who is determined to require mental health care services by a licensed mental health professional may be considered eligible for case management and other behavioral health services based on the individual needs of the veteran.

4. The director shall work to assist veterans receiving case management services under the pilot program who are not enrolled with the United States Department of Veterans Affairs to determine eligibility and to assist with those veterans' enrollment and with filing claims to the United States Department of Veterans Affairs.

5. Case management and mental health professionals selected to participate in the pilot program must demonstrate military and veteran cultural competency.

6. An individual who served in the United States Armed Forces and meets the federal definition of veteran or is currently serving in the Maine Army National Guard or Air National Guard or the Reserves of the United States Armed Forces is eligible. Character of discharge is not a disqualifying eligibility criterion.

7. All veterans participating in the pilot program must be accounted for in the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services and the Department of Health and Human Services data collections.

8. Upon conclusion of the pilot program, the commissioner, in consultation with the director, shall prepare a written report of the services provided and make recommendations to the joint standing committee of the Legislature having jurisdiction over veterans affairs if appropriate; and be it further

Sec. B-2. Veterans Mental Health Case Management and Services Fund. Resolved:

That the Veterans Mental Health Case Management and Services Fund, referred to in this section as "the fund," is established as a dedicated, nonlapsing Other Special Revenue Funds account in the Department of Health and Human Services. The fund is administered by the commissioner for the purposes of reimbursing hospitals for the costs of screening and data collection conducted by hospitals under Part A, section 6 and to support a pilot program established pursuant to this Part; and be it further

Sec. B-3. Transfer from General Fund unappropriated surplus; Department of Health and Human Services, Veterans Mental Health Case Management and Services Fund. Resolved: That, notwithstanding any other provision of law, the State Controller shall transfer \$875,000 from the General Fund unappropriated surplus to the Veterans Mental Health Case Management and Services Fund, Other Special Revenue Funds account established under section 2 within the Department of Health and Human Services no later than June 30, 2017.

PART C

Sec. C-1. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF Veterans Services 0110

Initiative: Reduces funding previously appropriated in Public Law 2017, chapter 2, Part A.

| GENERAL FUND | 2016-17 | 2017-18 | 2018-19 |
|--------------------|-------------|---------|---------|
| All Other | (\$375,000) | \$0 | \$0 |
| GENERAL FUND TOTAL | (\$375,000) | \$0 | \$0 |

DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF DEPARTMENT TOTALS

| | 2016-17 | 2017-18 | 2018-19 |
|------------------------------|-------------|---------|---------|
| GENERAL FUND | (\$375,000) | \$0 | \$0 |
| DEPARTMENT TOTAL - ALL FUNDS | (\$375,000) | \$0 | \$0 |

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY BDS)

Mental Health Services - Community 0121

Initiative: Deappropriates \$500,000 from the Mental Health Services - Community account to transfer funds to the Veterans Mental Health Case Management and Services Fund, Other Special Revenue Fund account.

| GENERAL FUND | 2016-17 | 2017-18 | 2018-19 |
|--------------|-------------|---------|---------|
| All Other | (\$500,000) | \$0 | \$0 |

| | | | |
|--------------------|-------------|-----|-----|
| GENERAL FUND TOTAL | (\$500,000) | \$0 | \$0 |
|--------------------|-------------|-----|-----|

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY BDS)

| DEPARTMENT TOTALS | 2016-17 | 2017-18 | 2018-19 |
|-------------------|-------------|---------|---------|
| GENERAL FUND | (\$500,000) | \$0 | \$0 |

| | | | |
|------------------------------|-------------|-----|-----|
| DEPARTMENT TOTAL - ALL FUNDS | (\$500,000) | \$0 | \$0 |
|------------------------------|-------------|-----|-----|

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

Veterans Mental Health Case Management and Services Fund N269

Initiative: Provides an allocation to reimburse hospitals for the costs of screening and data collection and to support a pilot program providing mental health case management and services to veterans.

| OTHER SPECIAL REVENUE FUNDS | 2016-17 | 2017-18 | 2018-19 |
|-----------------------------|---------|-----------|---------|
| All Other | \$0 | \$875,000 | \$0 |

| | | | |
|-----------------------------------|-----|-----------|-----|
| OTHER SPECIAL REVENUE FUNDS TOTAL | \$0 | \$875,000 | \$0 |
|-----------------------------------|-----|-----------|-----|

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

| DEPARTMENT TOTALS | 2016-17 | 2017-18 | 2018-19 |
|-------------------|---------|---------|---------|
|-------------------|---------|---------|---------|

| | | | |
|-----------------------------|-----|-----------|-----|
| OTHER SPECIAL REVENUE FUNDS | \$0 | \$875,000 | \$0 |
|-----------------------------|-----|-----------|-----|

| | | | |
|------------------------------|-----|-----------|-----|
| DEPARTMENT TOTAL - ALL FUNDS | \$0 | \$875,000 | \$0 |
|------------------------------|-----|-----------|-----|

| SECTION TOTALS | 2016-17 | 2017-18 | 2018-19 |
|----------------|---------|---------|---------|
|----------------|---------|---------|---------|

| | | | |
|-----------------------------|-------------|-----------|-----|
| GENERAL FUND | (\$875,000) | \$0 | \$0 |
| OTHER SPECIAL REVENUE FUNDS | \$0 | \$875,000 | \$0 |

| | | | |
|---------------------------|-------------|-----------|-----|
| SECTION TOTAL - ALL FUNDS | (\$875,000) | \$875,000 | \$0 |
|---------------------------|-------------|-----------|-----|

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

Effective August 2, 2017.

CHAPTER 25

H.P. 806 - L.D. 1143

Resolve, Providing for the Official Observance of the 200th Anniversary of the Formation of the State of Maine

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 Maine Bicentennial Commission is established to prepare and administer a plan and program for the celebration of the State's bicentennial; and

Whereas, the study must be initiated before the 90-day period expires so that the commission may begin its work and submit its first report by December 6, 2017; 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

Sec. 1. Commission established. Resolved: That, notwithstanding Joint Rule 353, the Maine Bi-