

MAINE STATE LEGISLATURE

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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

**CHAPTER 40
H.P. 1260 - L.D. 1818**

**Resolve, To Designate a Bridge
in Gorham the Corporal
Joshua P. Barron Memorial
Bridge**

Sec. 1. Bridge in Gorham named. Resolved: That the Department of Transportation shall designate Bridge 6443 in the Town of Gorham, currently known as the Flaggy Meadow Road Bridge, the Corporal Joshua P. Barron Memorial Bridge.

See title page for effective date.

**CHAPTER 41
H.P. 1224 - L.D. 1778**

**Resolve, Regarding Medicaid
Reimbursement for
Rehabilitation Hospitals**

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

Whereas, recent changes to the formula used by the Department of Health and Human Services for determining Medicaid reimbursement rates for providers of rehabilitation services have placed an undue and inequitable financial burden on the providers of these services; and

Whereas, it is imperative that this inequity be corrected 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. Medicaid reimbursement rates. Resolved: That the Department of Health and Human Services shall amend the department's rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 45.06 to increase the Medicaid reimbursement rate provided to rehabilitation hospitals to \$15,161.43 per discharge, retroactive to July 1, 2017. This increase in the Medicaid reimbursement rate must be funded by reducing the hospital supplemental pool as described in rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 45.07 by \$400,000 and have no net cost to the General Fund, Other Special Revenue Funds or the Federal Expenditures Fund.

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

Effective April 5, 2018.

**CHAPTER 42
S.P. 659 - L.D. 1772**

**Resolve, Directing the Attorney
General To Update the
Portions of the Consumer Law
Guide Pertaining to Implied
Warranties**

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 resolve directs the Attorney General to update the portions of the Attorney General's Consumer Law Guide pertaining to implied warranties on consumer goods by July 1, 2018; and

Whereas, enactment of this resolve before the 90-day period expires is necessary to provide the Attorney General sufficient time to complete the update by 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

Sec. 1. Attorney General to update Consumer Law Guide. Resolved: That, by July 1, 2018, the Attorney General shall review and update the portions of the Attorney General's Consumer Law Guide pertaining to implied warranties on consumer goods other than motor vehicles. In conducting this review, the Attorney General shall consult with individuals representing the interests of manufacturers and retailers of consumer goods, including household appliances, as well as consumer advocates. Based on that review, the Attorney General shall update the Consumer Law Guide to, at a minimum, clarify the scope of a consumer's responsibility to follow the operation and maintenance guidelines contained in the manufacturer's user manual for a consumer good other than a motor vehicle and the effect of a consumer's failure to follow those operation and maintenance guidelines on the availability of relief under the implied warranty provisions of the laws of this State.

Emergency clause. In view of the emergency

cited in the preamble, this legislation takes effect when approved.

Effective April 5, 2018.

CHAPTER 43

H.P. 1221 - L.D. 1767

Resolve, Regarding Legislative Review of Portions of Chapter 11.14: Atlantic Sea Scallop Limited Entry Program, a Major Substantive Rule of the Department of Marine Resources

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 Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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. Adoption. Resolved: That final adoption of portions of Chapter 11.14: Atlantic Sea Scallop Limited Entry Program, a provisionally adopted major substantive rule of the Department of Marine Resources that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the following change is made:

1. The rule is amended in section 14, subsection 1, paragraph D to remove subparagraphs (2) and (3) and instead to provide a method for increasing the number of draws an applicant receives based on the applicant's unsuccessful attempts in the lottery in consecutive years immediately preceding the lottery in which the applicant has submitted a lottery application.

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

Effective April 8, 2018.

CHAPTER 44

H.P. 1243 - L.D. 1798

Resolve, Regarding Legislative Review of Portions of Chapter 101: ConnectME Authority, a Major Substantive Rule of the ConnectME Authority

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 Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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. Adoption. Resolved: That final adoption of portions of Chapter 101: ConnectME Authority, a provisionally adopted major substantive rule of the ConnectME Authority that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made:

1. The rule must be amended in section 2, subsection A in the definition of "advanced communications technology infrastructure" to clarify that an infrastructure improvement project is a project that expands the deployment or improves the quality of either broadband service or wireless service, or both;

2. The rule must be amended in section 2, subsection D in the definition of "broadband service provider" to mean a facilities-based provider of broadband connections to end users that is required to file FCC Form 477 with the Federal Communications Commission;