

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

1. Rules. The Commissioner of Transportation shall adopt rules, in consultation with the Department of Public Safety and the Department of the Secretary of State, to establish a process to evaluate and authorize an autonomous vehicle tester to demonstrate and deploy for testing purposes an automated driving system on a public way. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

2. Enforcement. The Commissioner of Transportation may immediately prohibit an operator or autonomous vehicle tester from testing an automated driving system if the Commissioner of Transportation, in consultation with the Commissioner of Public Safety and the Secretary of State, determines that testing poses a risk to public safety or that the operator or autonomous vehicle tester fails to comply with the requirements as established by rule adopted pursuant to subsection 1.

See title page for effective date.

CHAPTER 47

S.P. 125 - L.D. 384

Resolve, To Clarify Reimbursement for Parent- only Programs under the MaineCare Program

Sec. 1. Department of Health and Human Services to reimburse for parent-only programs when allowable. Resolved: That the Department of Health and Human Services shall amend its rules in Chapter 101: MaineCare Benefits Manual, Chapters II and III, Sections 28, 65 and 90 to reimburse for services provided to a parent or guardian of a child who qualifies for the MaineCare program but who is not present when the service is being provided, as long as the service relates to the child's plan of care and is permitted by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services. These services may be provided to parents or guardians individually or in groups as long as the service is allowable under federal law. Rules adopted pursuant to this section are routine technical rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 48

H.P. 1146 - L.D. 1661

Resolve, Regarding Legislative Review of Portions of Chapter 33: Rule Relating to the Licensing of Family Child Care Providers, a Major Substantive Rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention

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 33: Rule Relating to the Licensing of Family Child Care Providers, a provisionally adopted major substantive rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention 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:

1. The requirement that providers must share information with parents regarding policies of parental visitation at the child care site in Section 5.C.11.b is removed from that section and a requirement that providers must allow parents to be able to visit and observe any time during the hours of operation is added to the rule;

2. In Section 8.A of the rule, the language stating that provider-child ratios are not based on the developmental stages in the definition section is removed;

3. In Section 8.A.1 of the rule, the ratios for mixed ages for one provider include the ratio of 8

children aged 2 to 5 years and 2 children aged more than 5 years;

4. In Section 8.A.3.a of the rule, the age of the children of the licensee that are counted in the provider-child ratio and included in the licensed capacity is changed from under the age of 3 to under the age of 4;

5. In Section 14.E.2.b of the rule, the language requiring climbers, swings and slides to be 6 feet from any hard surfaces is removed and replaced with a requirement that the climbers, swings and slides be located at a sufficient distance to prevent injury;

6. In Section 14.E.3 of the rule, the requirement for equipment that exceeds 36 inches in height is amended to specify that the equipment exceeds 36 inches at the climbable or standing surface;

7. In Section 14.E.3 of the rule, the requirement that the rubber tiles and mats used must be approved by the American Society for Testing and Materials is removed;

8. In Section 14.E.3.b of the rule, language is added to include swings with climbers and slides;

9. In Section 14.E.3.b of the rule, the requirement for a minimum amount of 6 inches or more of energy-absorbing materials is removed and replaced with a requirement for a sufficient amount of energy-absorbing materials to prevent injury;

10. In Section 14.E.3.c of the rule, the requirement for energy-absorbing materials to extend at least 6 feet from the equipment to protect children is removed and replaced with a requirement that energy-absorbing materials extend beyond the equipment in all directions to prevent injury in the event of a fall; and

11. In Section 17.A of the rule, language is added to require that a person assigned by a provider to drive children enrolled in care must complete training for transportation of children every 2 years.

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

Effective April 15, 2018.

CHAPTER 49
H.P. 1244 - L.D. 1799

Resolve, Regarding Legislative Review of Portions of Chapter 308: Standards of Conduct for Transmission and Distribution Utilities and Affiliated Generators, a Major Substantive Rule of the Public Utilities Commission

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 308: Standards of Conduct for Transmission and Distribution Utilities and Affiliated Generators, a provisionally adopted major substantive rule of the Public Utilities Commission 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 rule is amended to:

1. Add a provision that specifies that a complaint may be brought for matters within the Public Utilities Commission's jurisdiction by an individual generator for acts or omissions of a transmission and distribution utility that are unreasonable, preferential, discriminatory or anticompetitive and the complaint must be treated in the same manner as a complaint otherwise brought by 10 persons as allowed by Title 35-A, section 1302;

2. Clarify in section 1 of the rule that the rule applies to an affiliated generator that:

A. Owns or develops generation or generation-related assets in the ISO-New England, or ISO-