

# 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.**

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**Augusta, Maine**  
**2019**

**Whereas,** the Legislature finds that permitting state employees to telework will have benefits and costs for the State and its employees; and

**Whereas,** the Legislature desires more information on the costs and benefits to the State and its employees; now, therefore, be it

**Sec. 1. Department of Administrative and Financial Services directed to study telework for state employees. Resolved:** That the Department of Administrative and Financial Services, referred to in this resolve as "the department," shall study the costs and benefits of telework to the State and its employees. For purposes of this resolve, "telework" means a flexible work arrangement under which an employee performs the duties and responsibilities of the employee's position from a location other than an office or location provided by the employer.

**Sec. 2. Scope of study. Resolved:** That the department in conducting the study under section 1 shall:

1. Review all executive branch positions, by agency, and identify those positions for which presence in a specific location on a regular basis is not an essential component of the position;
2. For those positions identified under subsection 1, identify the total number of employees and the number of employees by position and by agency;
3. Survey all employees in positions identified under subsection 1 to determine the total weekly mileage of those employees;
4. Survey all employees in positions identified under subsection 1 to determine the total number of employees interested in telework and the number of those employees by position and agency;
5. Evaluate the potential effects of telework on the executive branch and its employees on matters such as:
  - a. Employee productivity;
  - b. Office or workspace required that is provided by the executive branch;
  - c. Use of state fleet vehicles;
  - d. Employee health and morale;
  - e. Employee retention;
  - f. Size of the applicant pool;
  - g. Supervisory interactions and effectiveness;
  - h. Communications among supervisory and other employees;
  - i. Security and confidentiality concerns;
  - j. Workers' compensation liability; and
  - k. Access to services by the public;

6. Assess lessons learned from the experience of other states or large employers with telework;

7. Identify and evaluate key obstacles to the implementation of telework;

8. Estimate savings achieved or costs incurred and the overall net impact of telework; and

9. Evaluate the potential and develop a timeline for a telework pilot program.

**Sec. 3. Reporting date. Resolved:** That the department shall report its findings from the study under section 1, including recommendations and recommended legislation, to the joint standing committee of the Legislature having jurisdiction over state and local government matters by October 1, 2020. The joint standing committee is authorized to submit a bill to the First Regular Session of the 130th Legislature related to the subject matter of the report.

See title page for effective date.

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**CHAPTER 38**

**S.P. 451 - L.D. 1471**

**Resolve, To Name the Route 7 Bridge in Corinna in Honor of PFC Paul Earl Sudsbury**

**Sec. 1. Corinna Bridge renamed. Resolved:** That the Department of Transportation shall designate Bridge 2177 in the Town of Corinna, currently known as the Corinna Bridge, the PFC Paul Earl Sudsbury Bridge.

See title page for effective date.

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**CHAPTER 39**

**H.P. 1102 - L.D. 1510**

**Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97: Private Non-Medical Institution Services and Appendices B, C, D, E and F, a Late-filed Major Substantive Rule of the Department of Health and Human Services**

**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**, a major substantive rule has been submitted to the Legislature outside the legislative rule acceptance period; 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: MaineCare Benefits Manual, Chapter III, Section 97: Private Non-Medical Institution Services and Appendices B, C, D, E and F, a provisionally adopted major substantive rule of the Department of Health and Human Services that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A outside the legislative rule acceptance period, is authorized.

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

Effective May 30, 2019.

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**CHAPTER 40**  
**H.P. 1211 - L.D. 1696**

**Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 28: Allowances for Rehabilitative and Community Support Services for Children with Cognitive Impairments and Functional Limitations, a Late-filed Major Substantive Rule of the Department of Health and Human Services**

**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 au-

thorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas**, a major substantive rule has been submitted to the Legislature outside the legislative rule acceptance period; 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: MaineCare Benefits Manual, Chapter III, Section 28: Allowances for Rehabilitative and Community Support Services for Children with Cognitive Impairments and Functional Limitations, a provisionally adopted major substantive rule of the Department of Health and Human Services that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A outside the legislative rule acceptance period, is authorized.

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

Effective May 30, 2019.

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**CHAPTER 41**  
**H.P. 570 - L.D. 765**

**Resolve, To Review Asset Limits for Social Service Programs**

**Sec. 1. Department of Health and Human Services to examine asset limits. Resolved:** That the Department of Health and Human Services shall convene a stakeholder group to examine the asset limits for eligibility that are applied to the elderly low-cost drug program pursuant to the Maine Revised Statutes, Title 22, section 254-D, the Medicare savings program established in department Rule Chapter 332, the Temporary Assistance for Needy Families program under Title 22, chapter 1053-B and the statewide food supplement program established in Title 22, section 3104 and under department Rule Chapter 301. The department and stakeholder group shall examine asset limits to determine if they meet the appropriate missions of the programs or present barriers and shall determine compliance with federal laws and guidelines. The department shall submit a report, no later than December 1, 2019, to the Joint Standing Committee on