

# 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**

**CHAPTER 50  
H.P. 820 - L.D. 1131**

**Resolve, Directing the Maine State Housing Authority To Study and Report on the Need for Modifications To Make Homes Accessible for Senior Citizens and Persons with Disabilities**

**Sec. 1. Maine State Housing Authority to study and report on need for accessible housing. Resolved:** That the Maine State Housing Authority shall work together with local housing authorities and interested groups to conduct a study of the need, with reference to geographical areas of the State, for home modifications to provide accessibility for low-income older or disabled residents of the State in order to permit those persons to remain in their homes and avoid institutionalization. The study must evaluate the effectiveness of the income tax credit for certain home modifications. The study must identify additional programs and funding and taxpayer assistance necessary to meet the home modification needs of older and disabled individuals. The housing authority shall report its findings to the Joint Standing Committee on Labor and Housing and the Joint Standing Committee on Taxation by January 5, 2020. The joint standing committees may each report out a bill based on the report to the Second Regular Session of the 129th Legislature.

See title page for effective date.

**CHAPTER 51  
H.P. 978 - L.D. 1356**

**Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapters II and III, Section 40: Home Health Services, 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, Chapters II and III, Section 40: Home Health Services, 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 June 6, 2019.

**CHAPTER 52  
H.P. 1121 - L.D. 1538**

**Resolve, Directing the Public Higher Education Systems Coordinating Committee To Study Compensation Equity among Public Higher Education Institutions**

**Sec. 1. Public Higher Education Systems Coordinating Committee to study compensation equity. Resolved:** That the Public Higher Education Systems Coordinating Committee established in the Maine Revised Statutes, Title 20-A, section 9 shall study the use of adjunct professors across the State and examine the equity of pay rates and pay scales across the University of Maine System, the Maine Community College System and each campus of these systems. The study must include an examination of market forces on pay rates and pay scales, how each system's pay rates and pay scales compare nationally and what changes would be necessary to implement a so-called living wage. The Public Higher Education Systems Coordinating Committee shall report to the Joint Standing Committee on Education and Cultural Affairs, no later than January 2, 2020, on the results of the study, including, but not limited to, the issues raised, best practices for compensation equity,

recommendations and any suggested legislation. The Joint Standing Committee on Education and Cultural Affairs may submit a bill to the Second Regular Session of the 129th Legislature related to the report.

See title page for effective date.

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## CHAPTER 53

### H.P. 689 - L.D. 934

#### **Resolve, To Review the Implementation of the Maine Background Check Center Act**

##### **Sec. 1. Background check system study.**

**Resolved:** That the Commissioner of Health and Human Services shall convene a study group consisting of representatives of child care facilities, child placing agencies, children's residential care facilities, family child care providers, nursery schools, hospice providers, home health care providers, nursing facilities, personal care agencies and placement agencies, temporary nurse agencies, adult day care programs, assisted housing programs, residential care facilities, intermediate care facilities for individuals with intellectual disabilities, mental health services facilities and providers, drug treatment centers and other interested stakeholders to assess the effects of the implementation of the system of background checks established by the Maine Background Check Center Act. In conducting the assessment, the study group shall consider:

1. A cost and comprehensiveness comparison to background check systems in other states to determine the efficiency of the background check system used in this State;
2. Any instances of discrimination within the waiver process;
3. Ways to allow for the portability of a background check so that it can travel with an employee from one job to another within a 5-year time frame;
4. The necessity of subjecting to the background check system current employees who had been subject to a background check within the previous 5 years; and
5. Any barriers to implementing all required background checks under one background check system.

**Sec. 2. Report. Resolved:** That the study group convened pursuant to section 1 shall develop recommendations regarding improvements to the background check system and possible alternatives and options for greater cost-effectiveness. The Commissioner of Health and Human Services shall submit a report regarding the study group's recommendations, including any recommended legislation, to the Joint

Standing Committee on Health and Human Services no later than December 15, 2019. The committee may submit legislation based on the report to the Second Regular Session of the 129th Legislature.

See title page for effective date.

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## CHAPTER 54

### H.P. 739 - L.D. 984

#### **Resolve, To Develop Plans To Return to the State Children Housed in Residential Treatment Systems outside of the State**

##### **Sec. 1. Department of Health and Human Services to coordinate with families of children receiving services out of state. Resolved:**

That the Department of Health and Human Services through its case managers shall coordinate with families of children who are receiving residential treatment services for behavioral health issues out of state to develop plans to bring the children back to the State to receive the required services that would be received under rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 97, Private Non-Medical Institution Services. The department shall negotiate reimbursement rates as necessary to find providers under Section 97 to provide services to children returning to the State, including deviating from the reimbursement rates established by department rules in order to access additional services.

See title page for effective date.

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## CHAPTER 55

### H.P. 953 - L.D. 1318

#### **Resolve, To Increase Access to Housing-related Support Services**

##### **Sec. 1. Department of Health and Human Services to examine housing-related services available under a Medicaid waiver. Resolved:**

That the Department of Health and Human Services shall examine opportunities available pursuant to a home and community-based services waiver available from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services, including but not limited to a Medicaid 1915(i) state plan amendment, to provide housing-related services to persons experiencing chronic homelessness who have mental health or substance use disorders and other vulnerable populations, including, but not limited to, individuals with disabilities and older