

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.

Augusta, Maine
2019

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.

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.

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.

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

adults needing long-term services. For purposes of this section, "housing-related services" means assistance in securing housing and tenancy sustaining and community transition services.

Sec. 2. Collaboration with Maine State Housing Authority; stakeholder involvement. Resolved: That the Department of Health and Human Services shall collaborate with the Maine State Housing Authority to determine how existing Maine State Housing Authority resources may be leveraged more effectively to address the housing needs of 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 adults needing long-term services.

In performing the review under this section, the department shall examine relevant data and evidence-based practices and solicit input from stakeholders, including those providing 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 adults needing long-term service; advocates for persons experiencing homelessness or for other vulnerable populations; and other stakeholders who provide legal, health or other social services to persons experiencing homelessness or to other vulnerable populations.

Sec. 3. Report. Resolved: That no later than February 1, 2020 the Department of Health and Human Services shall submit a report and recommendations developed pursuant to this resolve, including any suggested legislation, to the Joint Standing Committee on Health and Human Services. The committee may report out a bill to implement the recommendations if necessary.

See title page for effective date.

CHAPTER 56

S.P. 500 - L.D. 1566

Resolve, To Determine Ways To Increase the Number of Recipients under the Tuition Waiver Program for Participants in Foster Care

Sec. 1. Public Higher Education Systems Coordinating Committee to review the tuition waiver program for participants in foster care. Resolved: That the Public Higher Education Systems Coordinating Committee established pursuant to the Maine Revised Statutes, Title 20-A, section 9 shall review the tuition waiver program for participants in foster care. In its review, the committee shall consult

with the Finance Authority of Maine, the Department of Health and Human Services, Office of Child and Family Services and any other public or private organizations that work with children in the foster care system. The committee shall report to the Joint Standing Committee on Education and Cultural Affairs no later than January 15, 2020 on the identification of barriers to the tuition waiver program for dependent students who have been adopted and independent students who have not been adopted with recommendations and any suggested legislation to support both communities through the tuition waiver program. After receiving the report, the Joint Standing Committee on Education and Cultural Affairs may submit a bill related to the report to the Second Regular Session of the 129th Legislature.

See title page for effective date.

CHAPTER 57

H.P. 1016 - L.D. 1401

Resolve, To Study Transmission Solutions To Enable Renewable Energy Investment in the State

Sec. 1. Renewable energy investment; stakeholder group. Resolved: That the Governor's Energy Office shall convene a stakeholder group to address transmission system needs and funding strategies to support renewable energy investment in the State. The stakeholder group, at a minimum, shall examine and make recommendations regarding:

1. Current constraints and barriers in the state and regional transmission systems that impede planning for and realizing increased renewable energy development and integration in the State and the impact of these current system limitations on existing renewable energy resources, including the ability to qualify for the sale of energy and capacity in the regional wholesale energy markets. The stakeholder group shall make recommendations for improving the capability of the in-state transmission system to meet in-state demand and to export excess supply for the purposes of optimizing existing renewable energy resources and promoting in-state and regional system reliability;

2. Transmission infrastructure investment solutions and system improvements to realize different renewable energy development scenarios. The stakeholder group shall examine a minimum of 4 different renewable energy development scenarios that vary by total generation capacity, resource type and site location, taking into consideration the impact on siting and ratepayers and the relative benefits of different scenarios for energy consumers, transmission costs, existing