

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

FIRST REGULAR SESSION
December 2, 2020 to March 30, 2021

FIRST SPECIAL SESSION
April 28, 2021 to July 19, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 18, 2021

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2021

1. Membership. Notwithstanding Joint Rule 353, the working group consists of 10 members as follows:

- A. One member appointed by the President of the Senate from the Joint Standing Committee on Transportation;
- B. One member appointed by the President of the Senate representing a state agency that is a recipient of funds generated by the sale of specialty license plates;
- C. One member appointed by the Speaker of the House of Representatives from the Joint Standing Committee on Transportation;
- D. One member appointed by the Speaker of the House of Representatives representing a municipality or other political subdivision of the State engaged in the registration of motor vehicles on behalf of the State; and
- E. One member appointed by the Speaker of the House of Representatives who is responsible for overseeing the manufacture of registration plates in the State Prison pursuant to the Maine Revised Statutes, Title 29-A, section 451, subsection 6;
- F. The Chief of the State Police or the chief's designee; and
- G. The Secretary of State or the secretary's designee and the following representatives from the Department of the Secretary of State:
 - (1) The Deputy Secretary of State for the Bureau of Motor Vehicles or the deputy's designee;
 - (2) One member appointed by the Secretary of State from the Bureau of Motor Vehicles technology and information services staff; and
 - (3) One member appointed by the Secretary of State from the Bureau of Motor Vehicles who is responsible for oversight of motor vehicle registrations.

The President of the Senate and Speaker of the House of Representatives shall seek recommendations from the cochairs of the Joint Standing Committee on Transportation when making appointments under this subsection.

2. Compensation. Notwithstanding Joint Rule 353, members of the working group may not be compensated for their work on the working group, but legislative members may receive the legislative per diem.

3. Duties. Duties of the working group include:

- A. Identifying and documenting the roles and functions of the State's registration plates;
- B. Exploring and documenting challenges in the registration plate manufacturing process;

C. Exploring the challenges of storing and securing registration plate inventories in municipalities and other political subdivisions of the State and in branch offices of the Bureau of Motor Vehicles;

D. Examining the benefits, detriments and legal issues arising from specialty registration plates;

E. Examining competing interests with specialty registration plates;

F. Examining standards and systems developed by national and industry experts and exploring ways in which the State can adopt such standards and systems; and

G. Making recommendations based on the findings of the working group.

4. Staff assistance. Notwithstanding Joint Rule 353, the Department of the Secretary of State, Bureau of Motor Vehicles shall provide necessary staffing services to the working group. Legislative Council staff support is not authorized.

5. Report. The Bureau of Motor Vehicles shall provide a report by February 1, 2022 containing the findings and recommendations of the working group to the Joint Standing Committee on Transportation. The Joint Standing Committee on Transportation may introduce legislation for presentation to the Second Regular Session of the 130th Legislature based on the recommendations in the report.

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

Effective July 14, 2021.

CHAPTER 109

H.P. 91 - L.D. 135

Resolve, Directing the Department of Education and the Department of Health and Human Services To Study a Centralized Billing Process for Developmental and School-based Services Covered by the MaineCare Program and Other Insurers and Report on Updates to the Child Find Process

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 Department of Education, in collaboration with the Department of

Health and Human Services, to study the development of a centralized billing system for developmental and school-based services covered by the MaineCare program and other insurers and report on updates to the child find process and report to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services; and

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for the next legislative session; 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. Department of Education and Department of Health and Human Services to study a centralized billing process for developmental and school-based services covered by the MaineCare program and other insurers. Resolved: That the Department of Education shall collaborate with the Department of Health and Human Services to study the development of a centralized billing system to process claims to the MaineCare program and other insurers, including private insurance, for children with disabilities from birth to 22 years of age. The study must address:

1. How to maximize revenue through automation and efficiencies;
2. What services are currently billed, what services are not currently billed but are covered by the MaineCare program or private insurance and could be billed, what services are coverable by Medicaid programs but are not currently covered by the MaineCare program and how to align service definitions;
3. How a centralized billing system could best be designed to be accessible and user-friendly for school administrative units;
4. Examples of other states with centralized billing systems, including but not limited to New Hampshire and New York, using data and information provided by a statewide education policy research institute and other 3rd-party entities, as available;
5. Options for the development of a billing system through a 3rd party or through state agencies, such as the Department of Health and Human Services, the Department of Education or the Department of Administrative and Financial Services;

6. How seed money is currently used to fund MaineCare-covered school-based services; and

7. How special purpose preschools could maintain their own separate billing system if a centralized system is implemented.

Sec. 2. Report. Resolved: That the Department of Education and the Department of Health and Human Services shall report to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services no later than February 1, 2022 on the study under section 1. The Joint Standing Committee on Education and Cultural Affairs may report out a bill related to the report to the Second Regular Session of the 130th Legislature.

Sec. 3. Department of Education to report on updates to child find. Resolved: That the Department of Education, in collaboration with the Department of Health and Human Services, shall report to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services no later than February 1, 2022 on efforts to develop, improve and oversee the implementation of the statewide child find plan. The report must include, but is not limited to:

1. Meetings and recommendations from the state interagency coordinating council described under 20 United States Code, Section 1441;
2. Updates on current child find initiatives;
3. An examination, including a review of criteria used by other jurisdictions, of how the State can move forward on expanded eligibility criteria to enable more children with less significant developmental delays to be served;
4. Ways to access, leverage and enhance the Department of Health and Human Services' Child Development Services System referral system;
5. Current initiatives and future plans to improve support for children who are referred but not found eligible for services;
6. Data regarding the correlation, if any, between the provision of early intervention services and the need for services later in life;
7. Any applicable memoranda of agreement between the Department of Education and the Department of Health and Human Services; and
8. Any additional recommendations on improving child find efforts throughout the State.

The Joint Standing Committee on Education and Cultural Affairs may report out a bill related to the report to the Second Regular Session of 130th Legislature.

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

Effective July 15, 2021.

CHAPTER 110

H.P. 176 - L.D. 255

Resolve, Directing the Department of Education To Develop a Plan for the Provision of Early Intervention 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, this resolve directs the Department of Education to develop a plan for the provision of early intervention services and report to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services; and

Whereas, the development of the plan must be initiated before the 90-day period expires in order that the plan may be completed and a report submitted in time for the next legislative session; 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. Advisory committee established. Resolved: That the Department of Education shall establish an advisory committee to advise the department on the development of a plan for the provision of early intervention services for children from birth to under 3 years of age through a quasi-independent government agency structure, advise the department on the option of pursuing the federal Extended Part C Option under 34 Code of Federal Regulations, Section 303.211, referred to in this resolve as "the Extended Part C Option," and make recommendations to the department on the provision of services for children 3 years of age. No later than 30 days after the effective date of this resolve, the Commissioner of Education shall invite the following members to join the advisory committee:

1. The Commissioner of Health and Human Services or the commissioner's designee;
2. The director of the Child Development Services System;

3. The Attorney General or the Attorney General's designee;

4. One member who is a contracted service provider of early intervention services, recommended by the Maine Association for Community Service Providers;

5. One member who is a representative of a Head Start agency or program, representing Head Start programs in the State, recommended by the Maine Head Start Directors Association;

6. One member representing and recommended by the Maine Developmental Disabilities Council, established under the Maine Revised Statutes, Title 5, section 12004-J, subsection 66;

7. One member representing and recommended by the Maine Speech Language Hearing Association;

8. Two members who are parents of children with disabilities from birth to under 3 years of age, recommended by the Maine Parent Federation;

9. One member who is a representative of a child care program recommended by the Maine Association for the Education of Young Children;

10. One member representing and recommended by the Maine Association for Community Service Providers;

11. One member representing and recommended by the Maine Occupational Therapy Association; and

12. One member representing and recommended by the Maine Children's Alliance.

The advisory committee shall elect a chair from among its members. Meetings of the advisory committee are public and the Department of Education shall provide to the members of the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services notice of the meetings with the advisory committee so that members of the joint standing committees may attend.

Sec. 2. Department of Education to develop a plan for early intervention services; legislation. Resolved: That the Department of Education shall develop a plan for the provision of early intervention services through a quasi-independent government agency structure, with the Department of Education providing oversight as the lead agency pursuant to 20 United States Code, Section 1435, in accordance with this section.

1. Plan. The plan must include:

- A. The establishment and appointment of an independent governing board for the quasi-independent government agency;