

# 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.**

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**Augusta, Maine**  
**2021**

of this resolve. The task force shall hold a minimum of 4 meetings.

**Sec. 4. Duties. Resolved:** That the task force shall study the barriers to accessing higher education and vocational opportunities for young adults with intellectual disabilities, developmental disabilities, acquired brain injury and similar conditions and make recommendations to improve access to higher education and vocational opportunities, including but not limited to:

1. The degree to which transition planning services, as required by the federal Individuals with Disabilities Education Act, are effective in helping students with intellectual disabilities, developmental disabilities, acquired brain injury and similar conditions identify educational and vocational opportunities and in preparing students to access these opportunities;
2. The benefits, assessments, expansion and availability of continuing educational opportunities for young adults with intellectual disabilities, developmental disabilities, acquired brain injury and similar conditions;
3. The vocational opportunities and work support services available to young adults with intellectual disabilities, developmental disabilities, acquired brain injury and similar conditions; and
4. The degree to which case managers and individualized education program teams engage with and connect students and their families with adult services that provide vocational supports, including home and community-based services waivers available through the Department of Health and Human Services, office of MaineCare services and office of aging and disability services.

In conducting its duties under this section, the task force shall focus on the population of young adults 18 years of age and older eligible for, or likely eligible for, adult services provided through the following MaineCare home and community-based services waiver programs: Department of Health and Human Services rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 18, Home and Community-Based Services for Adults with Brain Injury; Chapter II, Section 20, Home and Community Based Services for Adults with Other Related Conditions; Chapter II, Section 21, Home and Community Benefits for Members with Intellectual Disabilities or Autism Spectrum Disorder; and Chapter II, Section 29, Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder. The task force shall also develop recommendations to enhance the coordination of school districts, case managers and adult services to ensure the most efficient and effective provision of educational and vocational services, including continuing purposeful individualized education, development of self-

determination and personal advocacy skills, work supports and job training. The task force shall analyze current data and retrospective data for the past 6 years and provide the measurable success rate of programs providing these essential services, with consideration of the preferences, strengths and interests of individual young adults with intellectual disabilities, developmental disabilities, acquired brain injury and similar conditions and parental concerns.

**Sec. 5. Staff assistance. Resolved:** That the Department of Education shall provide the task force with staff assistance from existing resources.

**Sec. 6. Outside funding. Resolved:** That the task force may, but is not required to, seek outside funding to support the work of the task force. Any person, other than a state agency, authorized and desiring to make a financial or in-kind contribution must certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the task force. All such contributions are subject to the approval of the Legislative Council. All contributions accepted must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of contributions, the date the contributions were received, from whom the contributions were received and the purpose of and any limitation on the use of those contributions. The Executive Director of the Legislative Council shall administer the contributions and shall notify the chairs of the task force when those contributions have been received.

**Sec. 7. Final report. Resolved:** That, notwithstanding Joint Rule 353, no later than one year after the initial convening of the task force under section 3, the task force shall submit a report that includes its findings and recommendations for presentation to the Joint Standing Committee on Education and Cultural Affairs, the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Labor and Housing.

See title page for effective date.

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**CHAPTER 117  
S.P. 310 - L.D. 958**

**Resolve, Directing the  
Department of Health and  
Human Services To Conduct a  
Review of Rules Governing In-  
home Personal Care Assistance  
Services**

**Sec. 1. Review of statutory authority governing home care services. Resolved:** That the Department of Health and Human Services shall review its statutory and regulatory authority over home care agencies that provide direct care services in the home to

assist individuals with the activities of daily living and instrumental activities of daily living. The review must examine whether the department has sufficient oversight and enforcement authority over agencies, employees and independent contractors and caregivers to ensure the appropriate quality and safety of individuals receiving home care services. The department shall include providers, consumers, direct care workers, the long-term care ombudsman and other interested parties in the review process. The department shall submit a report, no later than January 15, 2022, to the Joint Standing Committee on Health and Human Services with recommendations including suggested legislation. The committee is authorized to report out legislation to the Second Regular Session of the 130th Legislature.

**Sec. 2. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

**Developmental Services - Community Z208**

Initiative: Provides one-time funding to increase an existing contract to ensure successful research, coordination, facilitation and report writing.

<b>GENERAL FUND</b>	<b>2021-22</b>	<b>2022-23</b>
All Other	\$17,500	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$17,500</b>	<b>\$0</b>

**Long Term Care - Office of Aging and Disability Services 0420**

Initiative: Provides one-time funding to increase an existing contract to ensure successful research, coordination, facilitation and report writing.

<b>GENERAL FUND</b>	<b>2021-22</b>	<b>2022-23</b>
All Other	\$17,500	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$17,500</b>	<b>\$0</b>

**Office of MaineCare Services 0129**

Initiative: Provides one-time funding to increase an existing contract to ensure successful research, coordination, facilitation and report writing.

<b>FEDERAL EXPENDITURES FUND</b>	<b>2021-22</b>	<b>2022-23</b>
All Other	\$35,000	\$0
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$35,000</b>	<b>\$0</b>

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF DEPARTMENT TOTALS**

<b>GENERAL FUND</b>	<b>\$35,000</b>	<b>\$0</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>\$35,000</b>	<b>\$0</b>

<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$70,000</b>	<b>\$0</b>
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See title page for effective date.

**CHAPTER 118  
H.P. 1085 - L.D. 1469**

**Resolve, To Provide Add-on Payments for Ambulance Services Reimbursed by the MaineCare Program and To Increase Reimbursement Rates for Physical Therapy under the MaineCare Program**

**Sec. 1. Department of Health and Human Services to apply Medicare add-ons to MaineCare rates for ambulance services. Resolved:** That, no later than October 1, 2021, the Department of Health and Human Services shall amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 5, Ambulance Services, to provide additional add-on supplements for ambulance services that are equivalent to payments required under Medicare ambulance services under 42 United States Code, Section 1395m(l). The department shall use the same geographic zip codes applicable for rural, urban and super rural payments as established by 42 United States Code, Section 1395m(l) and related federal rules. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

**Sec. 2. Cost-based reimbursement work group for ambulance services. Resolved:** That the Department of Health and Human Services shall convene a work group to consider the feasibility and cost of implementing cost-based reimbursement for ambulance services provided to MaineCare members. The work group must include representatives of the Emergency Medical Services' Board within the Department of Public Safety, the Maine Ambulance Association and ambulance providers. The department shall submit a report, with recommendations, to the Joint Standing Committee on Health and Human Services no later than January 15, 2022. The committee is authorized to report out legislation related to the recommendations.

**Sec. 3. Department of Health and Human Services to increase MaineCare reimbursement rates for physical therapy. Resolved:** That, no later than October 1, 2021, the Department of Health and Human Services shall amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 85, Physical Therapy Services, to increase reimbursement rates for physical therapy services to no less than 57% of the federal Medicare reimbursement rate for