

MAINE STATE LEGISLATURE

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EMERGENCY
SECOND SPECIAL SESSION

ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1798

H. P. 1292

House of Representatives, January 9, 1968

Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Porter of Lincoln.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-EIGHT

**AN ACT Clarifying the Establishment of Hospital Administrative
District No. 1 in Penobscot County.**

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment of the Legislature unless enacted as emergencies; and

Whereas, the Legislature, by chapter 58 of the private and special laws of 1967, established enabling legislation for the creation of a Hospital Administrative District in Penobscot County; and

Whereas, the Towns of Mattawamkeag, Howland, Enfield, Burlington, Lowell, Lincoln, Springfield, Lee, Passadumkeag, Chester, Winn, Seboeis, Maxfield, Prentiss and Webster Plantation have each by majority vote thereof voted to enter into an agreement for the formation of a Hospital Administrative District, a body politic and corporate pursuant to chapter 58 of the private and special laws of 1967; and

Whereas, serious doubts exist with reference to the ability of the Hospital Administrative District to function effectively as a legal entity; and

Whereas, these doubts have given rise to uncertainties in the administration and functioning of the district; 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 enacted by the People of the State of Maine, as follows:

Sec. 1. P. & S. L., 1967, c. 58, § 1, amended. The first paragraph of section 1 of chapter 58 of the private and special laws of 1967 is amended by adding at the end the following new sentence:

Said hospital district shall have the further authority to expand or add to existing facilities and to purchase and acquire real estate and to have all necessary authority to provide for extended care facilities and to provide generally for the health and medical needs of patients.

Sec. 2. P. & S. L., 1967, c. 58, § 1, amended. Section 1 of chapter 58 of the private and special laws of 1967 is amended by adding at the end a new paragraph to read as follows:

Pursuant to this chapter, the voters in each of the Towns of Mattawamkeag, Howland, Enfield, Burlington, Lowell, Lincoln, Springfield, Lee, Passadumkeag, Chester, Winn, Seboeis, Maxfield, Prentiss and Webster Plantation, having voted in the affirmative by majority vote thereof to enter into an agreement for the formation of a hospital administrative district, said municipalities are established as a body politic and corporate under the name of Hospital Administrative District No. 1.

Sec. 3. P. & S. L., 1967, c. 58, § 3, amended. The 3rd sentence of section 3 of chapter 58 of the private and special laws of 1967 is repealed and the following enacted in place thereof:

All bonds may, at the discretion of the board of directors, be made callable and the amount of premium to be paid on call and the period for which said callable bonds shall not be redeemable shall be left to the discretion of the board of directors. Said discretion as herein given may be manifested by a vote of the majority of the board of directors.

Sec. 4. P. & S. L., 1967, c. 58, § 3, amended. Section 3 of chapter 58 of the private and special laws of 1967 is amended by adding at the end the following new paragraph:

In any fiscal year, in anticipation of taxes assessed for such year, the board of directors may, by vote of a majority of its members, authorize the borrowing of money by the issuance and sale of temporary notes of the district; the amount of such borrowing, together with interest thereon, shall not exceed in the aggregate the total amount of taxes levied for the district budget in the current fiscal year less the amount thereof collected in the participating towns and paid to the treasurer of the board. Such temporary notes of the district may be issued for a period of not more than one year. The board of directors may, by a vote of the majority of its members, authorize the borrowing of money by the issuance and sale of temporary notes of the district in anticipation of the sale of bonds for capital construction; the amount of such borrowing shall not exceed current obligations of indebtedness for capital construction.

Sec. 5. P. & S. L., 1967, c. 58, § 5, amended. The next to the last sentence of section 5 of chapter 58 of the private and special laws of 1967 is repealed and the following enacted in place thereof:

In case of a failure on the part of a town to pay said sum, or in case of failure to pay any part thereof, on or before said 31st day of December of the year in which said tax is levied, the treasurer of said board of directors may issue his warrant for the amount of said tax, or so much thereof as shall then remain unpaid, to the sheriff of Penobscot County, requiring him to levy by distress and sale on real and personal property of any of the residents of said district living in the municipality where such default takes place, and the sheriff, or any of his deputies, shall execute said warrant except as otherwise provided herein.

Sec. 6 P. & S. L., 1967, c. 58, § 5-A, additional. Chapter 58 of the private and special laws of 1967 is amended by adding a new section 5-A, to read as follows:

Sec. 5-A. Hospital rates. The board of directors shall require all persons hospitalized in any hospital or facility of the district to pay to the treasurer of the board of directors the rates established by said board of directors for hospital care. The board of directors may set rates that are lower for inhabitants of the district than for those hospitalized persons who reside outside the district. Such rates shall be so established, subject to other provisions of this chapter, so as to provide revenue for the following purposes:

1. Expenses. To pay the current expenses of operating and maintaining the hospital or other facilities owned by said district and to provide for any necessary additions or renewals of same. The directors, in their discretion, may establish depreciation reserves.

2. Interest. To provide for the payment of the interest on the indebtedness created or assumed by the district.

3. Principal. To provide each year a sum equal to pay the principal on any outstanding obligations issued by the district or to pay the principal obligations under any contract entered into pursuant to section 3.

4. Surplus. If any surplus remains at the end of the year it may be transferred to an account for the purpose of paying off the principal or interest on any outstanding obligations or it may be set aside in a surplus account.

Sec. 7. P. & S. L., 1967, c. 58, § 6, amended. The last sentence of section 6 of chapter 58 of the private and special laws of 1967 is repealed and the following enacted in place thereof:

The budget must be voted upon by the voters within the district at an annual district meeting called by a majority of the board of directors as follows:

1. District meeting, how called. Each district meeting shall be called by a warrant. The warrant shall be signed by a majority of the board of directors.

2. Warrant, contents. The warrant calling for the district meeting shall be as follows:

A. It shall specify the time and place of the meeting.

B. It shall set forth the proposed hospital budget in a manner to be decided by the board of directors.

C. It shall be directed to any constable, sheriff, police officer or qualified voter of the hospital district, by name, ordering him to notify the voters within said district to assemble at the time and place appointed.

D. An attested copy of the warrant shall be posted by the person to whom it is directed in some conspicuous public place in each of the municipalities within the hospital district, at least 10 days before the meeting.

E. The person who gives notice of the meeting shall make his return on the warrant stating the manner of notice in each municipality and the time when it was given.

3. Budget meetings. The following provisions apply to the budget meeting:

A. Each person whose name appears on the voting list in each of the municipalities of the district may attend and vote at a district budget meeting.

B. The chairman of the board of directors shall open the meeting by calling for the election of a moderator, receiving votes for a moderator and swearing in the moderator.

C. As soon as he has been elected and sworn the moderator shall preside at the meeting and he shall have all the powers granted to the moderator of a town meeting under the Maine Revised Statutes.

D. The secretary of the board of directors shall record accurately all the votes of the district meeting.

E. A majority vote of the legal voters present and voting shall be determinative of any vote or motion placed before said district meeting.

Sec. 8. P. & S. L., 1967, c. 58, § 7, amended. The 3rd sentence of section 7 of chapter 58 of the private and special laws of 1967 is repealed and the following enacted in place thereof:

In the event of dissolution of the hospital district, all property, real, personal or mixed, shall be marshaled and converted into cash in a manner to be determined by a majority vote of the board of directors and distribution shall then be made among the respective towns in proportion to their state valuation as herein set forth in this chapter.

Sec. 9. P. & S. L., 1967, c. 58, § 8, repealed and replaced. Section 8 of chapter 58 of the private and special laws of 1967 is repealed and the following enacted in place thereof:

Sec. 8. New towns may join. Municipalities not now belonging to, or not now a part of, said district as enumerated in section 1, may be included within the district provided that the town seeking to join votes by a majority vote at a town meeting legally called and held, to join said district and each of the participating towns within the district voting separately at town meetings called for the purpose of authorizing the addition of said town to the district, vote to authorize the addition of the requesting town. Said town must assume a proportionate share of any outstanding indebtedness of the district then existing.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.