

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

---

Legislative Document

No. 1169

H.P. 860

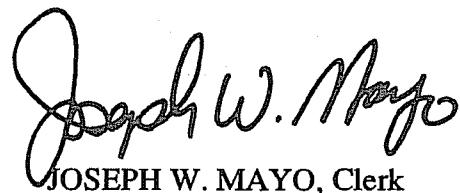
House of Representatives, April 5, 1993

**An Act Repealing Boards That Have Not Filed Annual Reports with the Secretary of State.**

---

Reported by Representative JOSEPH for the Secretary of State pursuant to Public Law 1991, chapter 844, section 8.

Reference to the Joint Standing Committee on State and Local Government suggested and printing ordered under Joint Rule 20.

  
JOSEPH W. MAYO, Clerk

Be it enacted by the People of the State of Maine as follows:

PART A

2  
4  
6       **Sec. A-1. 5 MRSA §12004-I, sub-§6**, as enacted by PL 1987, c. 786, §5, is repealed.

8       **Sec. A-2. 5 MRSA §15135**, as amended by PL 1987, c. 769, Pt. A, §22, is repealed.

10       **Sec. A-3. 5 MRSA §15136, sub-§1**, as amended by PL 1989, c. 915, §1, is further amended by amending the first paragraph to read:

14           **1. Standards for zones.** The commissioner, by rules adopted in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, shall establish standards for the selection of areas to be designated as zones. The commissioner shall ~~consult with the commission in the preparation of~~ prepare rules for the selection of zones and the provision of assistance within those zones. At a minimum, the commissioner shall apply the following standards.

22  
24       **Sec. A-4. 5 MRSA §15136, sub-§3**, as amended by PL 1987, c. 769, Pt. A, §23, is further amended to read:

26           **3. Review of program; report to Governor and Legislature.** The commissioner shall report to the Governor and the joint standing committee of the Legislature having jurisdiction over economic development matters his findings on regional economic distress with suggestions for action which that may alleviate this economic distress. ~~In cooperation with the commission, the~~ The commissioner shall review and evaluate the operation of these demonstration zones. This report shall ~~shall~~ must be presented no later than February 1st each year and shall ~~shall~~ must include the following:

38           A. The number, type and quality of the new jobs created through the ~~Opportunity-Zone-Program~~ opportunity zone program;

40  
42           B. The number of jobs retained as a result of the ~~Opportunity-Zone-Program~~ opportunity zone program that would have been otherwise lost without the targeted assistance of this program;

44  
46           C. Economic and community development activity within the zone which that is related to the designation as a zone; and

2 D. Any other results that the ~~commission~~ of the  
commissioner deems determines significant.

4 The commissioner, in this report, shall present findings and  
6 recommendations, including recommendations for the extension,  
expansion or elimination of the ~~Job-Opportunity-Zone-Program~~ job  
opportunity zone program.

8  
10 **Sec. A-5. 5 MRSA §15140**, as amended by PL 1989, c. 915, §6,  
is repealed.

12 **PART B**

14 **Sec. B-1. 5 MRSA §12004-I, sub-§7-B**, as enacted by PL 1991, c.  
372, §1, is repealed.

16 **Sec. B-2. 20-A MRSA §12851, sub-§2**, as enacted by PL 1991, c.  
18 372, §2, is repealed.

20 **Sec. B-3. 20-A MRSA §12855**, as enacted by PL 1991, c. 372,  
§2, is amended to read:

22 **§12855. Director**

24  
26 The University of New England, ~~with the advice of the~~  
committee, shall appoint a system director who meets federal area  
28 health education center requirements. The director is  
responsible for the administration of the system in accordance  
with policies established under this chapter.

30  
32 **Sec. B-4. 20-A MRSA §12856**, as enacted by PL 1991, c. 372,  
§2, is repealed.

34 **Sec. B-5. 20-A MRSA §12857, first ¶**, as enacted by PL 1991, c.  
372, §2, is repealed.

36  
38 **PART C**

40 **Sec. C-1. 5 MRSA §12004-I, sub-§12**, as enacted by PL 1987, c.  
786, §5, is repealed.

42 **Sec. C-2. 20-A MRSA §651**, as amended by PL 1989, c. 503, Pt.  
44 B, §74, is repealed.

46 **PART D**

48 **Sec. D-1. 5 MRSA §12004-I, sub-§20-A**, as enacted by PL 1989,  
c. 486, §1 and c. 503, Pt. A, §25, is repealed.

50 **Sec. D-2. 7 MRSA c. 8-C**, as amended, is repealed.

2  
4  
6  
8  
10  
12  
14  
16  
18  
20  
22  
24  
26  
28  
30  
32  
34  
36  
38  
40  
42  
44  
46  
48

**PART E**

**Sec. E-1. 5 MRSA §12004-I, sub-§15-A,** as enacted by PL 1991, c. 764, §1, is repealed.

**Sec. E-2. 34-A MRSA §3815, sub-§4,** as enacted by PL 1991, c. 764, §2, is repealed.

**PART F**

**Sec. F-1. 5 MRSA §12004-I, sub-§35,** as enacted by PL 1987, c. 786, §5, is repealed.

**Sec. F-2. 22 MRSA §3772, sub-§1,** as enacted by PL 1981, c. 512, §16, is repealed.

**Sec. F-3. 22 MRSA §3773,** as amended by PL 1989, c. 700, Pt. A, §84, is repealed.

**Sec. F-4. 22 MRSA §3775,** as amended by PL 1989, c. 878, Pt. A, §61, is repealed.

**PART G**

**Sec. G-1. 5 MRSA §12004-I, sub-§35-A,** as enacted by PL 1989, c. 588, Pt. A, §2, is repealed.

**Sec. G-2. 22 MRSA §3189, sub-§2, ¶B,** as enacted by PL 1989, c. 588, Pt. A, §43, is repealed.

**Sec. G-3. 22 MRSA §3189, sub-§3, ¶F,** as enacted by PL 1991, c. 591, Pt. GG, §3, is amended to read:

F. Notwithstanding subsection 4, paragraph E, the department shall implement the following asset guidelines during any recertification and for new enrollees to determine eligibility.

(1) For adults under the age of 65, the asset limits are the same as those for medically needy Medicaid recipients except that there is a 2nd car exclusion for families with 2 wage earners when the 2nd car is necessary for work-related travel.

(2) For adults 65 and older, the asset limit is \$10,000 per household.

2 The department may adopt rules to implement these asset  
3 guidelines. After January 1, 1992, the department may  
4 reassess and change these asset guidelines with approval  
5 from the Maine Health Program Advisory Committee.

6 **Sec. G-4. 22 MRSA §3189, sub-§4,** as amended by PL 1991, c.  
7 622, Pt. L, §9, is repealed.

8 **Sec. G-5. 22 MRSA §3189, sub-§5,** as corrected by RR 1991, c.  
9 2, §79, is amended by amending the first paragraph to read:

10 **5. Program development and administration.** The department  
11 shall develop and administer the program with advice from the  
12 committee and in accordance with this section.

13 **Sec. G-6. 22 MRSA §3189, sub-§5, ¶A,** as amended by PL 1991, c.  
14 591, Pt. GG, §4, is further amended by amending subparagraph (3)  
15 to read:

16 (3) The medical assistance to be provided may not  
17 require participants with household income below 100%  
18 of the federal poverty level to make out-of-pocket  
19 expenditures, such as requiring deductibles or  
20 copayments for any service covered, except to the  
21 extent out-of-pocket expenditures are required under  
22 state Medicaid rules. The department may study, in  
23 consultation with the committee, whether to require  
24 copayments from participants with household income  
25 above 100% of the federal poverty level. Copayments  
26 may be required of those persons only to the extent  
27 that the study finds that implementation of the  
28 proposed copayment will not significantly reduce access  
29 to necessary services, and will achieve appropriate  
30 reduction in the utilization of services and the cost  
31 of the program.

32 **Sec. G-7. 22 MRSA §3189, sub-§5, ¶B,** as amended by PL 1991, c.  
33 591, Pt. GG, §5, is further amended to read:

34 **B.** The department, in consultation with the council, shall  
35 develop plans to ensure appropriate utilization of  
36 services. The department's consideration must include, but  
37 is not limited to, preadmission screening, managed care, use  
38 of preferred providers and 2nd surgical opinions. In  
39 addition, the department may implement surveillance and  
40 utilization control review and quality control or management  
41 evaluation to the same extent such programs exist in the  
42 Medicaid program, including the establishment of a Maine  
43 Health Program formulary. The department may utilize any  
44 existing Medicaid formulary for these purposes except that  
45

2 the department is not bound by federal law in determining  
what to allow or not allow on the formulary.

4 **Sec. G-8. 22 MRSA §3189, sub-§9**, as enacted by PL 1989, c.  
588, Pt. A, §43, is amended to read:

6  
8 **9. Procedures for adopting rules.** In adopting, amending or  
repealing any rule required or authorized by this section, the  
10 department shall comply with the Maine Administrative Procedure  
Act, Title 5, chapter 375, ~~and shall provide the committee a~~  
12 ~~reasonable opportunity to review and comment on the proposed~~  
~~rules as a committee prior to the department giving public notice~~  
14 ~~of rulemaking.~~

#### 16 PART H

18 **Sec. H-1. 5 MRSA §12004-I, sub-§57**, as amended by PL 1989, c.  
503, Pt. A, §33 and c. 878, Pt. A, §142, is repealed.

20  
22 **Sec. H-2. 30-A MRSA §2311**, as amended by PL 1989, c. 104,  
Pt. C, §§8 and 10, is further amended to read:

#### 24 §2311. Establishment

26 The municipal officers of any 2 or more municipalities, by  
appropriate action ~~and as authorized by Title 5, chapter 379~~, may  
28 enter into an agreement, between or among those municipalities,  
for the establishment of a regional council of governments.

#### 30 PART I

32  
34 **Sec. I-1. 5 MRSA §12004-I, sub-§67**, as enacted by PL 1987, c.  
786, §5, is repealed.

36  
38 **Sec. I-2. 34-B MRSA §7017**, as amended by PL 1985, c. 295,  
§50, is repealed.

#### 40 PART J

42 **Sec. J-1. 5 MRSA c. 12**, as amended, is repealed.

44 **Sec. J-2. 5 MRSA §12004-J, sub-§5**, as enacted by PL 1987, c.  
786, §5, is repealed.

#### 46 PART K

48 **Sec. K-1. 5 MRSA §12004-K, sub-§9**, as enacted by PL 1987, c.  
786, §5, is repealed.

50

2                   **Sec. K-2. 10 MRSA c. 5**, as amended, is repealed.

4   **PART L**

6                   **Sec. L-1. 5 MRSA §12004-L, sub-§5**, as repealed and replaced by  
PL 1989, c. 878, Pt. A, §18, is repealed.

8                   **Sec. L-2. 30-A MRSA §7201, sub-§1**, as enacted by PL 1989, c.  
216, §2, is repealed.

10                   **Sec. L-3. 30-A MRSA §7205, sub-§3, ¶A**, as enacted by PL 1989,  
12 c. 216, §2, is repealed.

14                   **Sec. L-4. 30-A MRSA §7205, sub-§6**, as enacted by PL 1989, c.  
16 216, §2, is amended to read:

18                   **6. Information about municipality.** The deorganization  
procedure shall must include, at a minimum, the following  
20 information:

22                   A. An explanation of the road network and costs to the  
municipality for road construction and maintenance for the  
24 most recent fiscal year;

26                   B. Population information, consisting of population changes  
since the latest Federal Decennial Census and any other  
28 population information, including ages of the population,  
numbers of households and similar information;

30                   C. Personal income, including individual and household  
income and changes in personal income derived from the  
32 United States Bureau of Census data and state agency  
estimates;

34                   D. Property tax assessments and revenues, including amounts  
36 of land subject to reduced tax assessments and changes in  
tax rates and property valuation;

38                   E. An explanation of the current services provided by the  
40 municipality and the impact of deorganization on these  
services; and

42                   F. The status of leadership in the municipality, including  
44 municipal officers, school board members, planning board  
members, road commissioners, social welfare officials and  
46 similar officials.

48 ~~In developing the deorganization procedure, the local committee~~  
~~shall work closely with the commission. The local committee~~  
50 ~~shall submit the proposed deorganization procedure to the~~



2 ~~commission for review within 90 days of the meeting at which the~~  
3 ~~voters approved the formulation of a deorganization procedure.~~  
4 ~~If the local committee fails to develop a deorganization~~  
5 ~~procedure within this period, the commission shall develop a~~  
6 ~~procedure for the municipality and perform the duties of the~~  
7 ~~local committee in submitting the procedure to the voters of the~~  
8 ~~municipality.~~

9 **Sec. L-5. 30-A MRSA §7206**, as amended by PL 1989, c. 700, Pt.  
10 A, §131, is repealed.

11 **Sec. L-6. 30-A MRSA §7207, first ¶**, as enacted by PL 1989, c.  
12 216, §2, is amended to read:

13 ~~The local committee may incorporate the comments and~~  
14 ~~suggestions received from the commission into the deorganization~~  
15 ~~procedure. The local committee shall immediately notify the~~  
16 ~~municipal officers when the deorganization procedure has been~~  
17 ~~completed.~~

18 **Sec. L-7. 30-A MRSA §7207, sub-§1, ¶B**, as enacted by PL 1989,  
19 c. 216, §2, is repealed.

20 **Sec. L-8. 30-A MRSA §7207, sub-§2**, as enacted by PL 1989, c.  
21 216, §2, is amended to read:

22 **2. Deorganization approval vote.** After receiving notice  
23 from the local committee that the deorganization procedure is  
24 complete, the municipal officers shall immediately call and hold  
25 a special meeting in the manner provided for the calling and  
26 holding of town meetings or city elections to vote on the  
27 proposed deorganization. The municipal officers shall also  
28 publish notice of the meeting in a newspaper of general  
29 circulation in the area. One notice shall must be published as  
30 close as possible to the 14th day before the meeting, and the 2nd  
31 notice shall must be published as close as possible to the 7th  
32 day before the meeting. If a majority of the voters approve the  
33 deorganization procedure as presented or amended, the local  
34 deorganization committee shall send a copy of the proposed  
35 procedure ~~to the commission and~~ to the executive director who  
36 shall forward the comments to the joint standing committee of the  
37 Legislature having jurisdiction over local government matters.  
38 ~~If the deorganization procedure approved at the hearing is not~~  
39 ~~different from the one provided to the commission under section~~  
40 ~~7205, the local deorganization committee shall notify the~~  
41 ~~commission that the voters approved the procedure as presented by~~  
42 ~~the committee.~~

43 **Sec. L-9. 30-A MRSA §7207, sub-§3**, as enacted by PL 1989, c.  
44 216, §2, is repealed.



2           Part J repeals the Maine-New Hampshire Boundary Commission,  
which failed to report for both years.

4           Part K repeals the New England Interstate Planning  
6 Commission, which failed to report for both years.

8           Part L repeals the Commission on Municipal Deorganization,  
which failed to report for both years.

10