

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature
1ST SPECIAL SESSION
JANUARY 2, 1974 TO MARCH 29, 1974
AND BY THE
One Hundred and Seventh Legislature
REGULAR SESSION
JANUARY 1, 1975 TO JULY 2, 1975

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH THE REVISED STATUTES OF 1964, TITLE 3,
SECTION 164, SUBSECTION 6.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1975

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature

1975

CHAPTER 364**AN ACT** Relating to the Officials, Judges and Starters
at Harness Horse Race Meets.

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

8 MRSA § 279-C is enacted to read:

§ 279-C. Officials, judges and starters; powers and duties

At all harness race meetings licensed by the commission in accordance with this chapter, qualified judges and starters, approved and licensed by the commission and employed by the licensee under section 271, shall enforce the rules and regulations of the commission as provided by sections 279-A and 279-B.

Such officials shall render daily written reports of the activities and conduct of such race meeting and their decisions to the commission.

Any person affected by the decision of such officials may request a hearing before the commission.

Effective October 1, 1975

CHAPTER 365**AN ACT** Relating to Payments to Nursing Homes.

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

Sec. 1. 22 MRSA § 1708 is repealed and the following enacted in place thereof:

§ 1708. Appropriations for aid of public and private hospitals
and nursing homes

1. Compensation for hospitals. Such sums of money as may be appropriated by the Legislature in aid of public and private hospitals shall be expended under the direction of the department, and the expense of administration shall be charged to the appropriation of that department for general administration. The department is authorized to compensate hospitals located in the State of New Hampshire within 15 miles from the Maine - New Hampshire state line or hospitals located in the Provinces of Quebec or New Brunswick, Canada, within 5 miles of the international boundary, for cases where the hospital care is for persons resident in the State of Maine and, in the judgment of the commissioner, adequate local hospital facilities are not available. The department may compensate hospitals at such rates as it may establish for hospital care of persons whose resources or the resources of whose responsible relatives are insufficient therefor, except as provided in subsection 2. Bills itemizing the expenses of such hospital care, when approved by the department and audited by the State Controller, shall be paid by the Treasurer of State.

2. **Compensation for nursing homes.** A nursing home, as defined under section 1812-A, or any portion of a hospital or institution operated as a nursing home, when the State is liable for payment for care, shall be reimbursed at a rate established by the Department of Health and Welfare pursuant to this subsection. The department shall not establish a so-called "flat rate." The department shall establish for each nursing home a payment rate or payment rates relating to various types of care provided in a nursing home. Such rate or rates shall be based on the operating costs attributable to each nursing home as determined by such accounting and auditing standards and procedures as the department may establish. The provisions of this subsection shall apply to all funds, including federal funds, paid by any agency of the State to a nursing home for patient care. The provisions of this subsection shall apply, notwithstanding any other provisions of law.

Effective October 1, 1975

CHAPTER 366

AN ACT Relating to Suspension of Employees of State Institutions with Pay Pending Disposition of Criminal Charges.

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

Whereas, under the existing Personnel Law and rules and provisions of law relative to fiscal operations of the State Government, it is not possible to suspend a state employee with pay during the pendency of criminal proceedings against him involving alleged acts against residents of state institutions; and

Whereas, recent indictments against certain employees of a state institution involving such charges and the institution's inability to effectively dispose of such matters under the Personnel Law and rules during the pendency of such proceedings in a manner recognizing the existence of the presumption of innocence until guilt is proven requires an amendment to the Personnel Law; and

Whereas, in such circumstances it is necessary to respect the constitutional rights of such persons charged with criminal offenses involving acts against residents of state institutions and necessary to recognize the obligation of the State to protect such residents from future harm; and

Whereas, it is vitally necessary that this Act be passed in order to achieve the appropriate balance; i.e., recognition of the constitutional rights of an accused person and fulfillment of the state's obligation to protect persons in its care; 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,