

# 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.

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THE KNOWLTON AND MCLEARY COMPANY  
FARMINGTON, MAINE  
1975

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PUBLIC LAWS  
OF THE  
STATE OF MAINE

AS PASSED BY THE  
One Hundred and Seventh Legislature

1975

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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

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## 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,

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

5 MRSA § 678, as last amended by PL 1973, c. 390, § 4, is further amended by adding a new paragraph at the end to read:

Notwithstanding any other provision of law, the head of any institution under the control of the Department of Mental Health and Corrections as the appointing authority may suspend with pay any employee who is charged by indictment with the commission of a criminal offense involving acts alleged to have been perpetrated upon any resident or residents of any such institution. Any such suspension with pay may be authorized by the appointing authority only when to permit the employee to remain on duty at the institution would be against the best interest of any one or more of the residents of the institution, and such authorization for suspension with pay shall obtain only during the pendency of the criminal proceedings in the trial court but not longer than 30 working days. Sections 751 to 753 shall not apply to suspension with pay ordered by the appointing authority under this paragraph.

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

Effective May 30, 1975

## CHAPTER 367

### AN ACT Amending the Law Regulating Municipal Debt.

**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, there are several municipalities which are in need of school facilities for the forthcoming academic years; and

Whereas, construction cannot be started this summer to meet this deadline unless enabling legislation is passed as an emergency; 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.** 30 MRSA § 5061, as enacted by PL 1973, c. 665, is repealed and the following enacted in place thereof:

**§ 5061. Limitation**

No municipality shall incur debt which would cause its total debt outstanding at any time, exclusive of debt incurred for school purposes, for storm or sanitary sewer purposes or for municipal airport purposes, to exceed 7½%