

# MAINE STATE LEGISLATURE

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LAWS  
OF THE  
STATE OF MAINE

AS PASSED BY THE

One Hundred and Seventh Legislature

AT THE

1ST SPECIAL SESSION

JANUARY 19, 1976 TO APRIL 29, 1976

AND

2ND SPECIAL SESSION

JUNE 14, 1976

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

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PORTLAND LITHOGRAPH COMPANY  
PORTLAND, MAINE  
1977

**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
One Hundred and Seventh Legislature  
AT THE FIRST SPECIAL SESSION  
January 19, 1976 to April 29, 1976  
AND THE SECOND SPECIAL SESSION  
June 14, 1976

Supplementary to the Acts and Resolves of the Regular Session

[supplied from page 3097 of volume]

## CHAPTER 728

AN ACT to Make Health Care Projects Eligible for Bonding  
under the Maine Municipal Securities Approval Act.

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

**Sec. 1.** 30 MRSA § 5325, sub-§ 1, as last repealed and replaced by PL 1975, c. 223, § 1, is amended to read:

1. Revenue-producing industrial-commercial, pollution-control, health care or recreational projects and multi-level parking facility. To acquire, construct, reconstruct, renew and replace industrial-commercial, pollution-control, health care, recreational and combined projects, and multi-level private parking facilities within or partly within the corporate limits of the municipality;

**Sec. 2.** 30 MRSA § 5325, sub-§ 4, 1st sentence, as last repealed and replaced by PL 1975, c. 223, § 2, is amended to read:

The municipal officers are authorized and empowered to acquire from funds provided under the authority of this chapter such lands, structures, property, rights, rights-of-way, franchises, easements and other interests in lands, including lands lying under water and riparian rights, which are located within the State as it may deem necessary or convenient for the construction or operation of any industrial-commercial, pollution-control, health care, recreational or combined project, and any multi-level private parking facility upon such terms and conditions as they shall deem reasonable and proper, and to dispose of any of the foregoing in the exercise of its powers and the performance of its duties under this chapter;

**Sec. 3.** 30 MRSA § 5325, sub-§ 6, 1st sentence, as last repealed and replaced by PL 1975, c. 223, § 3, is amended to read:

To enter into contracts with the State or the Federal Government or any agency or instrumentality thereof, or with any other municipality providing for or relating to an industrial-commercial, pollution-control, health care, recreational or combined facility, or a multi-level private parking facility; provided, in the case of contracts with the Federal Government involving pollution-control facilities, that the consent of the Board of Environmental Protection is first obtained, such board being authorized to grant such consent notwithstanding Title 38, section 362;

**Sec. 4.** 30 MRSA § 5325, sub-§ 7, 1st sentence, as last repealed and replaced by PL 1975, c. 223, § 3, is amended to read:

To accept from any authorized agency of the State or the Federal Government loans or grants for the planning, construction or acquisition of any industrial-commercial, pollution-control, health care, recreational or combined facility or any multi-level private parking facility and to enter into agreements with such agency respecting any such loans or grants, and to receive and accept aid and contributions from any source of either money, property, labor

or other things of value, to be held, used and applied only for the purposes for which such loans, grants and contributions may be made; provided, in the case of loans, grants or other aid from the Federal Government involving pollution-control facilities that the consent of the Board of Environmental Protection is first obtained, such board being authorized to grant such consent notwithstanding Title 38, section 362; and

Sec. 5. 30 MRSA § 5326, sub-§ 2-B is enacted to read:

2-B. Health care project. "Health care project" means the acquisition, construction, improvement, reconstruction or equipping of, or construction of any structure or any addition or additions to any structure, designed for use as a hospital, clinic, nursing home, ambulatory care facility, or other health care or nursing facility, laboratory, laundry, nurses or interns' residence or other multi-unit housing facility for staff, employees, patients or relatives of patients admitted for treatment in such facility, to be operated by a municipality or nonprofit or charitable organization or institution, including parking and other facilities or structures essential or convenient for the orderly conduct of such facility and shall include all real and personal property, lands, improvements, driveways, roads, approaches, pedestrian access roads, rights-of-way, utilities, easements, parking lots, machinery and equipment, including transportation equipment, and all other appurtenances and facilities either on, above or under the ground which are used or usable in connection with the aforementioned structures, and shall include landscaping, site preparation, furniture, machinery and equipment and other similar items necessary or convenient for the operation of a particular facility or structure.

Sec. 6. 30 MRSA § 5328, sub-§ 3, 2nd sentence, as repealed and replaced by PL 1973, c. 788, § 150, is amended to read:

In any event no project shall be approved and no certificate of approval shall be issued until the Department of Environmental Protection, and in the case of health care projects, the Department of Human Services or the Department of Mental Health and Corrections, or both, where required by state law, has certified to the authority that all licenses required from the Department of Environmental Protection that department or those departments with respect to the project have been issued or that none are required.

Sec. 7. 30 MRSA § 5328, sub-§ 4, ¶ A, as last amended by PL 1971, c. 210, § 6, is further amended to read:

A. The project will make a significant contribution to the economic growth of ~~or~~ the control of pollution in or the betterment of the health of the inhabitants of the State;

Sec. 8. 30 MRSA § 5328, sub-§ 4, ¶ E, last sentence, as enacted by PL 1971, c. 210, § 8 and as amended by PL 1973, c. 633, § 18, is further amended to read:

If the authority is satisfied that the foregoing determinations can be made and that a certificate of approval can be issued upon receipt of the certificate ~~of the Department of Environmental Protection~~ or certificates required by subsection 3, the authority may so advise the ~~Department of Environmental Protection~~ departments concerned, which may treat such advice as the completion of arrangements for financing for purposes of Title 38, section 451, subsection I, paragraph B.

Sec. 9. 30 MRSA § 5328, sub-§ 4, ¶ F is enacted to read:

F. In the case of a health care project, the authority shall not issue a certificate of approval until it has determined:

- (1) That such project will be owned or operated by a municipality or nonprofit or charitable institution or organization which is exempt from federal taxation pursuant to section 501 of the Internal Revenue Code of 1954, as amended, and which is engaged in the operation of, or formed for the purpose of operating a health care facility in which health care is or will be rendered under the general direction of persons licensed to practice medicine in the State and which is, or will be upon completion, licensed as a health care facility under the laws of the State;
- (2) That such project will enable or assist a municipality or nonprofit institution or organization to provide health care to the residents of the project's proposed or existing service area;
- (3) That such project has been reviewed and approved by the appropriate regional and state health service agencies or by the agency of the State which serves as the designated planning agency of the State for purposes of section 1122 of the Federal Social Security Act, as amended.

Sec. 10. 30 MRSA § 5341, as enacted by PL 1965, c. 423, § 1 and as last repealed and replaced by PL 1975, c. 223, § 6, is amended to read:

#### § 5341. Purpose

It is declared that there is a state-wide need for industrial-commercial, pollution-control, health care, recreational and combined projects, and for multi-level private parking facilities to provide enlarged opportunities for gainful employment by the people, to restore purity to the air, the water or the earth of the State which are fouled with, among other things, industrial and other waste materials and pollutants, to more adequately serve the working people of this State, and to provide a more healthy environment and thus to insure the preservation and betterment of the economy of the State and the living standards and health of its inhabitants.

Effective July 29, 1976

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## CHAPTER 729

**AN ACT to Set the Unemployment Insurance Contribution Rate for New Employers at the Average Contribution Rate for all Employers in the Previous Year.**

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

26 MRSA § 1221, sub-§ 4, ¶ A, as last repealed and replaced by PL 1971, c. 538, § 38, is amended to read: