

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

**FIRST REGULAR SESSION**

December 5, 1984 to June 20, 1985

Chapters 1-384

PUBLISHED BY THE REVISOR OF STATUTES IN ACCORDANCE WITH  
MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 163-A,  
SUBSECTION 4.

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1986

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

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FIRST REGULAR SESSION

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ONE HUNDRED AND TWELFTH LEGISLATURE

1985

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section 1164. The commissioner shall also report on the training needs of other persons eligible for assistance under this chapter or Title III of the United States Job Training Partnership Act.

Sec. 3. Allocation. The following funds are allocated from the Dislocated Workers Fund to carry out the purposes of this Act.

1985-86

LABOR, DEPARTMENT OF

Dislocated Workers Program \$200,000

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

Effective June 14, 1985.

## CHAPTER 347

H.P. 1028 - L.D. 1480

AN ACT to Adjust the Statutory Ceiling for the Certificate of Need Development Account.

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

Whereas, the approval of an unusually costly project may unduly deplete the resources available under the Certificate of Need Development Account for the approval of other smaller projects; and

Whereas, the 90-day period may not terminate until after the decision on the projects now being reviewed within the context of the Certificate of Need Development Account; 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. 22 MRSA §396-K, sub-§1, as enacted by PL 1983, c. 579, §10, is amended to read:

1. Amount established. Subject to the requirements of paragraphs A and B, for each payment year cycle, as defined in subsection 4, the commission shall ~~consider the need for,~~ and may credit the Certificate of Need Development Account with an amount to support the development and undertaking of projects which are subject to review pursuant to the Maine Certificate of Need Act. This amount shall be established annually by rule after consideration of the State Health Plan, the ability of the citizens of the State to underwrite the additional costs and the limitations imposed on these payments by the Federal Government pursuant to the United States Social Security Act, Titles XVIII and XIX. For the first 2 payment year cycles, the commission shall establish the amounts to be credited to the first day of that payment year cycle as follows:

A. For the first payment year cycle, 1% of the sum of:

(1) The total budgeted expenses, including capital costs, of all hospitals, for their most recent fiscal year ending prior to July 1, 1984, which were submitted to and approved by a voluntary budget review organization prior to July 1, 1983; and

(2) The total actual expenses, including capital costs, which were incurred, in its most recent fiscal year ending prior to July 1, 1983, by any hospital which did not secure approval, prior to July 1, 1983, of its budget for its most recent fiscal year ending prior to July 1, 1984; and

B. For the 2nd payment year cycle, 1% of the first payment year financial requirements determined for all hospitals in the State.

Sec. 2. 22 MRSA §396-K, sub-§2, ¶B, as enacted by PL 1983, c. 579, §10, is repealed and the following enacted in its place:

B. The associated incremental annual capital and operating costs do not exceed the amount remaining in the Certificate of Need Development Account as of the date of approval of the project by the department, after accounting for previously approved projects.

Sec. 3. 22 MRSA §396-K, sub-§3, as enacted by PL 1983, c. 579, §10, is repealed and the following enacted in its place:

3. Debits and carry overs. Debits and carry overs shall be determined as follows.

A. Except as provided in paragraphs B and C, the commission shall debit against the Certificate of Need Development Account the full amount of the incremental annual capital and operating costs associated with each proposal for which an adjustment is approved under subsection 2. Incremental annual capital and operating costs shall be determined in the same manner as adjustments to financial requirements are determined under section 396-D, subsection 5, for the 3rd fiscal year of implementation of the project.

B. In the case of a project which is approved in the first or 2nd payment year cycle and whose associated incremental annual capital and operating costs are determined to exceed \$2,000,000, debits shall be made as follows:

(1) In the payment year cycle in which the project is approved, the commission shall debit against the Certificate of Need Development Account an amount equal to \$2,000,000; and

(2) In the payment year cycle immediately following the cycle in which the project is approved, the commission shall debit against the Certificate of Need Development Account an amount equal to the difference between the incremental annual capital and operating costs associated with the project and the amount debited under subparagraph (1) in the previous payment year cycle.

C. In the case of a project which is approved in the 3rd or subsequent payment year cycle and which involves extraordinary incremental annual capital and operating costs, the commission may, in accordance with duly promulgated rules, defer the debiting of a portion of the annual costs associated with the project until a subsequent payment year cycle or cycles.

D. Amounts credited to the Certificate of Need Development Account for which there are no debits shall be carried forward to subsequent payment year cycles.

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

Effective June 14, 1985.

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## CHAPTER 348

S.P. 493 - L.D. 1319

### AN ACT to Amend Certain Sections of the Employment Security Law.

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

Sec. 1. 26 MRSA §1043, sub-§9, ¶D, as amended by PL 1971, c. 538, §5, is further amended to read:

D. Any employing unit which together with one or more other employing units is owned or controlled, by legally ~~enforceible~~ enforceable means or otherwise, directly or indirectly by the same interests, or which owns or controls one or more other employing units, by legally ~~enforceible~~ enforceable means or otherwise, and which, if treated as a single unit with such other employing unit, or interests, or both, would be an employer under ~~paragraphs A, paragraph A-1 or, H or J;~~

Sec. 2. 26 MRSA §1043, sub-§19, as amended by PL 1977, c. 570, §§18 and 19, is further amended to read:

19. Wages. "Wages" means all remuneration for personal services, including commissions, bonuses, severance or terminal pay, gratuities and the cash value of all remuneration in any medium other than cash. The reasonable cash value of remuneration in any medium other than cash shall be estimated and determined in accordance with regulations prescribed by the commission, except that:

A. For purposes of section 1221, the term "wages" shall not include that part of remuneration which after remuneration equal to \$3,000 through December 31, 1971, \$4,200 through December 31, 1977, \$6,000 through December 31, 1982, and on and after January 1, 1983, that part of